the weekly Standard

MARCH 25, 2002

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THE SUICIDE OF THE PALESTINIANS
DAVID GELERNTER

Janet Reno Rides Again . . .

into the swamp of Florida politics

by Matt Labash

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Exit Strategies Are for Losers

Robert Byrd and Tom Daschle have been thoroughly beat up already for decrying—Byrd explicitly and Daschle implicitly—the Bush administration's lack of an "exit strategy" in the war on terrorism. Their Democratic colleague Joe Lieberman's rebuke is the pithiest: "We need a victory strategy, not an exit strategy." What we also need, though, is an exit strategy for the "exit strategy" cliché, which has outlived its usefulness.

The problem is, "exit strategies" are for losers. We had dimly remembered that the phrase started out as Biz School jargon. And indeed, the first Nexis mention of it comes in the March 1979/April 1979 issues of the *Harvard Business Review* in an article called "The Dynamics of Process-Product Life Cycles." ("The company must now make two kinds of decisions. The first relates to both the entrance and the exit strategies for a specific market. . .") So basically we're talking about a concept that began as a highfalutin way to discuss going-out-of-business sales.

The term mostly stayed in the business-jargon ghetto for the next decade. It became the euphemism of choice for dismantling unprofitable businesses during the leveraged-buyout craze of the 1980s. And its first documented political use? That distinction belongs to Bob Dole, in his losing 1988 race for the Republican presidential nomination. ("The final margin in Illinois was 19 points, and while Dole went through the motions of carrying on, his mind was on what he had begun to call the 'exit strategy'—a way to get out with as much leverage and as many options as he could preserve"—*Newsweek*, Nov. 21, 1988.)

Thanks to the debacle in Somalia, "exit strategy" became *the* foreign policy buzzword of 1993—a favorite phrase of both Secretary of State Warren Christopher and of Colin Powell, then chairman of the Joint Chiefs. Powell spun it as a synonym for prudence—don't get into something unless you know how you're going to get out of it. But it's really a synonym for an orderly retreat, or, as the Vietnam-era version had it, declaring victory and going home. In any event, the Somalia problem wasn't about the lack of an "exit strategy"; it was a strategy plain and simple that was lacking.

The goal of U.S. foreign policy, not to put a fine point on it, should be to induce panicked discussion of "exit strategies" among our enemies, not to have such discussions ourselves. ♦

Warren Buffett on Terrorism

The annual letter to shareholders by Warren Buffett, chairman of the legendary Berkshire Hathaway conglomerate, is always an event in the business press. This year, because of the corporation's heavy involvement in the insurance business, it's worth perusing for its discussion of terrorism and risk.

> Insurers have always found it costly to ignore new exposures. Doing that in the case of terrorism, however, could literally bankrupt the industry. No one knows the probability of a nuclear detonation in a major metropolis this year (or even multiple detonations, given that a terrorist organization able to construct one bomb might not stop there). Nor can anyone, with assurance, assess the probability in this year, or another, of deadly biological or chemical agents being introduced simultaneously (say, through ventilation systems) into multiple office buildings and manufacturing plants. An attack like that would produce astronomical workers' compensation claims.
>
> Here's what we *do* know:
>
> a. The probability of such mind-boggling disasters, though likely very low at present, is not zero.
>
> b. The probabilities are increasing, in an irregular and immeasurable manner, as knowledge and materials become available to those who wish us ill. Fear may recede with time, but the danger won't—the war against terrorism can never be won. The best the nation can achieve is a long succession of stalemates. There can be no checkmate against hydra-headed foes.

Yet another reason to banish talk of "exit strategies." ♦

Return of the Blood Libel

In support of its broader foreign policy goals and the war on terrorism, the Bush administration is currently conducting a major make-nice outreach campaign with the Arab world—and castigating Israel for its "counterproductive" and "excessive" reaction to the ongoing Palestinian intifada.

So to help our readers better understand U.S. interests in the region, THE SCRAPBOOK thought it might be worthwhile to go directly to the source. What follows are extended excerpts from an essay by Dr. Umayma Ahmad Al-Jalahma of King Faisal University. The piece appeared on March 10 in *Al-Riyadh*, an official daily newspaper published by the Kingdom of Saudi Arabia. Which is, of course, a major American "ally" in the Middle East.

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"I choose to [speak] about the Jewish holiday of Purim, because it is connected to the month of March. . . . During this holiday, the Jew must prepare very special pastries, the filling of which is not only costly and rare—it cannot be found at all on the local and international markets. Unfortunately, this filling cannot be left out, or substituted with any alternative serving the same purpose. For this holiday, the Jewish people must obtain human blood so that their clerics can prepare the holiday pastries. . . .

"The blood is spilled in a special way. How is it done? For this holiday, the victim must be a mature adolescent who is, of course, a non-Jew—that is, a Christian or a Muslim. His blood is taken and dried into granules. The cleric blends these granules into the pastry dough; they can also be saved for the next holiday. In contrast, for the Passover slaughtering . . . the blood of Christian and Muslim children under the age of 10 must be used, and the cleric can mix the blood before or after dehydration.

"Let us now examine how the victims' blood is spilled. For this, a needle-studded barrel is used; this is a kind of barrel, about the size of the human body, with extremely sharp needles set in it on all sides. [These needles] pierce the victim's body, from the moment he is placed in the barrel. These needles do the job, and the victim's blood drips from him very slowly. Thus, the victim suffers dreadful torment—torment that affords the Jewish vampires great delight as they carefully monitor every detail of the blood-shedding with pleasure and love that are difficult to comprehend.

"After this barbaric display, the Jews take the spilled blood . . . and the Jewish cleric makes his coreligionists completely happy on their holiday when he serves them the pastries in which human blood is mixed.

"There is another way to spill the blood: The victim can be slaughtered as a sheep is slaughtered, and his blood collected in a container. Or, the victim's veins can be slit in several places, letting his blood drain from his body. . . ."

We trust Vice President Cheney has been enjoying his Middle East tour. ♦

David Allen Coolidge Jr., 1956-2002

Readers will remember the byline of David Coolidge, which, sadly, will not grace these pages again. His writings for us constituted an extended argument in defense of traditional marriage, and against the fashionable project of redefining marriage to include same-sex unions. As you might imagine of a man who tackled this subject with unbending principle, he was uncommonly brave. We are proud to have published him, and devastated that he has parted from us so young. ♦

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Casual

Shear Agony

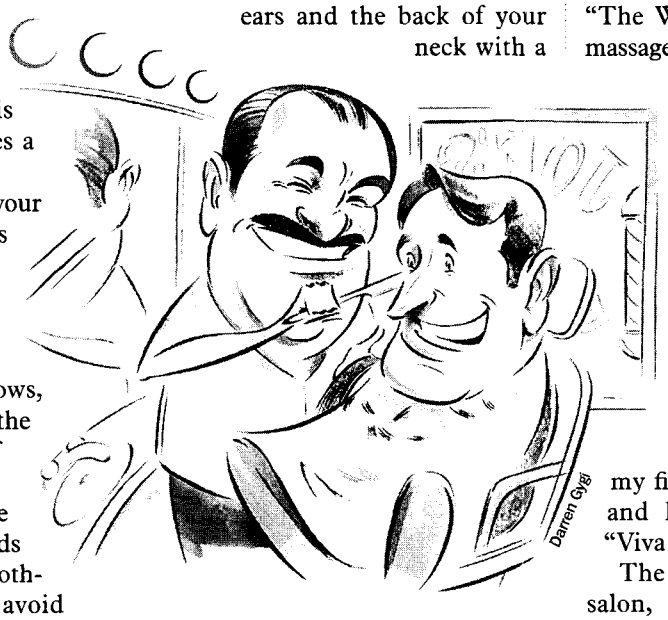
A good barber is hard to find. Sometimes when you do find the right guy, one of you ends up moving away. Other times, you decide the person just isn't that good and so you look for someone new. This is where it gets tricky. When you get your hair cut by the same person every few weeks, you don't sit there quietly. You strike up a conversation. It starts with small talk about the weather and moves on to sports and then work. And then it gets personal. Pretty soon you know how much your barber drank the night before. Or who he or she is currently seeing. It becomes a relationship.

When you break up with your hairdresser, though, there's no going out for coffee and telling the other party that it's over. There isn't even a phone call. You just stop showing up. And who knows, maybe a month passes and the stylist starts to wonder if you are growing your hair long or if you found someone else—someone better. Odds are, you will never see each other again. (My advice is to avoid walking past the old place. But if you must, walk at a brisk pace and never, ever turn your head to look in. I guarantee you'll make eye contact.)

I've gone through about ten haircutters in my life, starting with my mother, who favored the bowl look. ("I look like a girl," I would complain. "No, it looks nice," she would insist. "It's like Dorothy Hamill.") Since then, I've found only a few good barbers.

One of them was an old Italian named Joe Maggi, whose shop was in Georgetown. Joe had a leathery face, a raspy voice, and hair like a greaser. He claimed to have cut both Robert Kennedy and Bill Clinton's hair back in the 1960s (but on his wall hung a portrait of Ronald Reagan). The place was permanently cluttered with "men's" magazines (a staple in many barber shops), a chess board, and a guitar. And the radio was always on. Joe was one of the few people left who listened to AM radio—for music.

There wasn't anything special about the way Joe cut hair, but when it was over, he would lather up some shaving cream and trim around your ears and the back of your neck with a straight-edge. He would even sharpen it on an old leather strap. "You know you can't do this in New York," he once said, "because they're afraid of getting AIDS." Joe used to say a lot of things except when he was on the phone. In that case he would mumble, "Barber shop . . . I told you not to call me here. I'll call you later." (Some speculated he was a bookie.) But best of all was the price: $8, which he rang up on an outdated cash register.



In time, Joe's body got the better of him. He had open heart surgery and lost a kidney. Somewhere in between, his wife passed away. Eventually I moved to another part of town and found someone else out of convenience. I did try to call him last week, but his line had been disconnected.

Until recently, my barber was a young guy named Mike. He knew exactly how to cut my hair, though it cost $25. Still, I never had to tell him what to do. Unfortunately, Mike moved to a new place called the Grooming Lounge. One of my colleagues walked into the Lounge the other day and found out a haircut costs $40.

And that's just for starters. According to their brochure, you can get "The Commander in Chief"—"A business manicure will make his hands look professional while a foot treatment will soothe his 'barking dogs'"—for $74. And then there's "The Watergate," which includes a massage, a business manicure, a haircut, and a complimentary shoeshine—for the unbelievably low price of $155.

I realized I could never see Mike again. The Grooming Lounge was too lavish for me. Some of my friends suggested a nearby cuttery called "Viva Puerto Rico." I thought this was merely a reference to the three barbers' land of origin. But when I was sitting there for my first cut, a customer walked in and his first words really were, "Viva Puerto Rico!"

The place is a modern-looking salon, but these guys are all old school. They argue with each other about the news or anything else on their minds. The other day, the discussion was whether or not traces of arsenic can be found on a corpse. "Only in the hair," insisted my barber, Ismael.

It was good to return to an old barber shop, though nothing compares to Joe's. Still, Ismael is personable, honest, and affordable—at $17 a pop. Sure, it doesn't include a pedicure or a massage, but I do get a trim around the edges using a straight-edged blade. What more can you ask for?

Victorino Matus

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Cloning Thrives Abroad

Though J. Bottum makes many excellent points regarding the dangers of bioengineering, it seems as though he assumes that if all cloning is banned in the United States, the practice will disappear from the face of the earth ("The Biotech Project," March 11). But Great Britain's House of Lords just recently voted to allow therapeutic cloning; China is way ahead of most countries in experimentation, furiously issuing cloning patents and attempting to commercialize the process with the aid of private, multinational corporations. Whether we like it or not, globally speaking, the genie's out of the bottle.

Jim Karageorgos
Seaford, NY

It is not surprising that those futurists who pretend they can predict all the (bad) consequences of climate change 1,000 years hence believe they can also predict what is in the interest of the human genome. Although I am not an expert in genetics, I am a physician. It surprises me that cloning proponents ignore the specter of an unintended genetic disaster that may result from our prideful meddling with the genome.

It is my understanding that much of human DNA is "inactive" and is not "transcribed." It seems likely that included therein may be some ancient viral DNA (which has the propensity to insert itself in genes of target species), with which our immune systems have no experience. It thus seems plausible that such an incipient particle might be reconstituted through splicing, much to the detriment of the human race. Given this risk, caution ought to be in order.

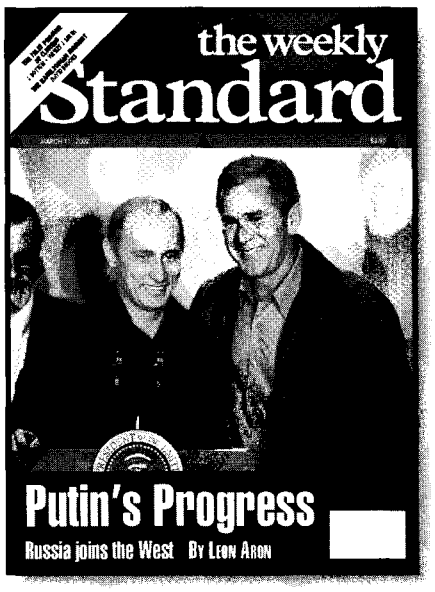
Steven Chernus
Pittsburgh, PA

A Jittery Bipartisanship

Melana Zyla Vickers does a fine job of reporting on the widespread resort to discipline in a pill in U.S. schools and the reaction it is provoking ("Readin', Ritalin, 'Rithmetic," March 11). Her report, however, leaves the impression that reining in Ritalin by legislating against pressures to drug little Johnny into docility is a Republican-only crusade.

In Vermont, the Democratic chairman of the Senate Judiciary Committee, Richard Sears, is sponsoring a bill seeking to protect parents from schoolhouse strong-arming to put their kids on psychostimulants. In Kentucky, Democratic state representative Mike Cherry has introduced a similar bill. "It is worth the little bit of effort to make sure the teaching profession knows it's not their job to recommend a particular drug for a particular kid," he told *Education Daily.*

Dethroning King Ritalin appears to be every bit the bipartisan cause that passage of President Bush's No Child Left



Behind Act was. With the Individuals with Disabilities Education Act (IDEA) up for congressional reauthorization this year, quelling the tendency to "redefine childhood as an ailment, and medicate it until it goes away," as Vickers aptly puts it, could become another worthwhile cause for bipartisanship.

Robert Holland
Lexington Institute
Arlington, VA

An American in Cairo

Reuel Marc Gerecht's "Losing the Middle East?" (March 18) is replete with inaccuracies, including those relating to the American University in Cairo, of which I am president.

Gerecht writes, "Mubarak's wife has led the charge to force the sale of AUC in downtown Cairo so that Mubarak, Inc., can tear down the gracefully crenalated university to build luxury high-rises and other profitable enterprises."

The truth is otherwise. After a 40-year search for a badly needed new site, AUC has bought 260 acres to build a beautiful new campus in suburban Cairo that will meet our space requirements for the next 100 years. The university is not selling its historic landmark buildings, as Gerecht falsely reports. We intend to use them for our 30,000 adult education students and our executive management courses, whose participants mostly work downtown. The Egyptian government has been extremely supportive in this process, which was initiated by the university. In particular, Suzanne Mubarak has been our most devoted and loyal alumna in both agreeing to serve as patron for our capital campaign and in unfailingly helping us with matters great and small.

I find inexplicable this odious diatribe. A simple call to our offices in New York or Cairo could have avoided these egregious and offensive errors. Weekly Standard readers deserve an accurate and truthful account.

John Gerhart
President, American University in Cairo
Cairo, Egypt

Reuel Marc Gerecht responds: It is no easy feat to be the president of the American University in Cairo. Since the end of the British occupation, Egypt has rarely been a land welcoming independence of mind and free inquiry—the defining virtues of a Western university. Conformity of thought and deference to power have been perennial problems for AUC (these forces have annihilated the state-run Cairo University). Truthful and provocative conversations between AUC students and professors—particularly if both are Egyptian—are more likely outside of classrooms than in.

I certainly hope that President Gerhart's assertions about the future of the old AUC campus prove correct, and that the campus will not be devoured by those in the Egyptian elite who want the

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land and care not for an American presence in the heart of Cairo. We will see. Adult education is a grand idea, particularly in Egypt, where education for the young is haphazard.

Nonetheless, there are those who love the AUC, in Egypt and abroad, who will continue to hope that the AUC administration's "*40-year* search for a badly needed new site" goes on a bit longer. There can be no doubt, however, that Suzanne Mubarak, who has in recent years energetically inserted herself and her family into so many aspects of Egyptian life, unfailingly applied similar energy and concern to finally put an end to the AUC's real-estate troubles.

Defense, European Style

Tod Lindberg makes one significant error in his "Rebirth of a Nation" (March 4). He writes, "Self-defense is always socially sanctioned . . ."

Leaving aside the legal distinctions between "excusable" and "justifiable" homicides, themselves descended from the early practice of confiscating the property of and/or exiling those who had killed in self-defense as a result of a disagreement that got out of hand, as opposed to the killing of a felonious attacker, we have the modern phenomenon of those who defend themselves justifiably but fall afoul of weapons laws.

This trend has descended into absurdity in Europe—especially in Great Britain. Using a weapon there—any weapon—to injure an attacker, no matter how justifiable, is likely to result in prosecution. Owning a firearm for self-defense is often expressly prohibited in Europe.

But also many jurisdictions in the United States effectively prohibit the possession of guns and knives for self-defense through denial of permission to possess them at all, restrictions placed on permits and licenses and/or "safe-storage" or "child access prevention" laws.

While violent self-defense may still be legal, it has become taboo in many countries, and its social acceptability is declining virtually everywhere. While the immediate threat of terrorism may slow the trend, there's little reason to believe the march toward "civilization" can be reversed by a reality that few perceive.

William J. Durr
Cornwall, NY

Tod Lindberg responds: I take William Durr's point and share his concern, but my statement is correct. The claim that self-defense is always socially sanctioned doesn't imply a claim that all means or any particular means of self-defense will always be socially sanctioned. He wants to quarrel over the latter, which is fine, but it's not a quarrel with me.

Limits of Term Limits

Term limits have always on their face appealed to conservatives, apparently including Fred Barnes ("Term Limits, Unlimited," March 18).

The promise of term limits is that we can shed Congress and state legislatures of the lifetime hacks who expand government while limiting our freedoms. I was so enthused by this idea as an undergraduate that I rushed headlong into a paper on the subject, which I envisioned as a manifesto supporting term limits.

As I pulled back the layers of the debate, though, I was struck by a phenomenon best illustrated in November 1994 by the voters of Massachusetts. In that election, the good people of the Bay State voted to impose term limits on their congressional delegation while also reelecting the bloated poster child of the term-limits movement, Ted Kennedy, for his sixth consecutive term in the Senate.

This contradiction led me to one obvious question: Are term limits really about "ballot access," or would their passage merely limit the rights of citizens to vote for whomever they like just because certain national organizations have had enough of Ted Kennedy in Washington? I believe that the latter is the case and encourage my fellow conservatives to think twice before jumping back on the term-limits bandwagon.

Eric Darbe
Penacook, NH

A Big Laugh

Joseph Epstein's jokester Casual was a fun one ("Situation Comedy," March 4). Epstein has a sense of humor I can appreciate.

I'm a large guy, and when the service is slow at drive-up windows and the person who finally hands me my food says, "Sorry about the wait," I love to reply, "Oh, it's not your fault, I've been heavy all my life." This is usually followed by a few moments of embarrassed stammering until they realize I'm kidding.

I tell grocery store clerks who ask if I want cash back: "Yes, but not from my account." That usually gets a laugh.

P. Martin
Dunedin, FL

• • •

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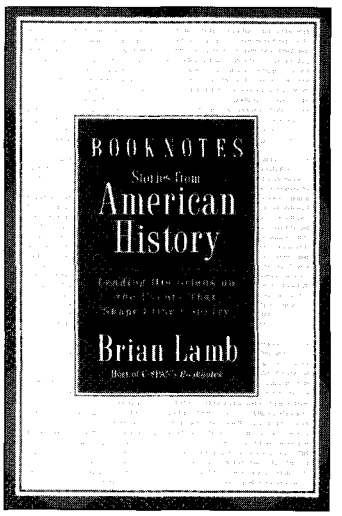

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the weekly Standard

Never Forget

Six-month anniversaries are rarely noted, except for babies. Yet President Bush staged an elaborate ceremony at the White House on March 11 to commemorate the deaths of 3,000 Americans in terrorist attacks six months earlier on the World Trade Center and Pentagon. Families of victims were there, along with the military and representatives of countries that have aided, however little, America's war on terrorism. The event prompted murmurs of criticism, most notably by columnist Walter Shapiro of *USA Today*. He said there was "something strange about the collective determination not to wait until September 11 [2002] to commemorate the worst day of terror in American history."

Shapiro was wrong. We need more commemorations of September 11, not fewer. We need more remembrances, more prime time TV documentaries like CBS's *9/11*, more memorials, more days of prayer and moments of silence. As former Marine commandant P.X. Kelly declared recently, Americans should strive to keep the events of September 11 in their daily thoughts. We must, he declared, "never forget September 11."

The point is not to wallow in the sorrow of September 11 or indulge in flag-waving bluster or super-patriotism. The point is to recognize September 11 as a watershed event in American history that launched the nation on a new and difficult mission to defeat terrorism and depose dangerously hostile regimes. The continental United States, after all, hadn't been attacked since the War of 1812. The Japanese in World War II only reached Hawaii and the remote Aleutian Islands in Alaska. And while Soviet missiles threatened us during the Cold War, they were checked by America's nuclear force. On September 11, the terrorists did far more than just destroy two buildings. They declared war, on behalf of radical Islam, on our democracy, our culture, our religious tolerance, our economic success, our attempt to play an active, benign role in the world, our civilization. But as Bush noted at the White House ceremony, September 11 was "a day of decision" as well as a "day of tragedy." America and the civilized world were "stirred to anger and to action." There is a moral cause we've taken up.

But would Americans really forget September 11? According to Bush, the answer is no. "America will not forget the lives that were taken and the justice their death requires," he said. And so far America hasn't. But the problem is not that Americans will forget but that they'll be distracted. America is such a vibrant and energetic country, with so much going on at all levels of society, that the memory of September 11 is bound to fade as the rest of life intrudes. This is not wrong. It's quite natural. The problem is that as the memory of September 11 grows hazy, the determination to carry on the war on terrorism may gradually dissolve as well.

Despite analogies between September 11 and Pearl Harbor, we face a completely different domestic situation now. In the 1940s, American society was mobilized to fight the war. Men served in the military, millions and millions of them. Women worked in defense plants. And our country was culturally homogenous in those days. Support for the war never flagged. No one needed to be reminded to remember Pearl Harbor. Now, only a sliver of America is engaged in the war on terrorism. Advances in military technology mean that a tiny fraction of the number of troops who fought in World War II are needed now. American society is not mobilized today as it was then.

Over time, the media and political correctness are likely to take a toll. Look what happened, for example, when a lull in the war occurred after the defeat of the Taliban and al Qaeda in Afghanistan this winter. The press hastily turned to stories that raised Vietnam-era questions about the war. Did American air attacks kill too many innocent civilians in Afghanistan? Why are the al Qaeda soldiers imprisoned in the Guantanamo naval base in Cuba forced to live in "cages"? Is the Bush administration being too secretive? And what about the treatment of Arab Americans? Aren't they facing cruel discrimination because of their ethnicity?

These may be legitimate questions. But if they are allowed to dominate America's thinking about the war on terrorism, we're in trouble. Taken by themselves, they lead to the conclusion that the war is unjust or morally tainted or at least not worth fighting. But the truth is that the war is just, moral, and worth fighting—for years, if necessary. Fortunately there's an appropriate way to remind Americans of the worthiness of their cause and the need for fortitude. It's by commemorating the horrible day when a peaceful nation was attacked by an evil force and a just war was begun. It's by making sure that September 11 is remembered as vividly as Pearl Harbor was in another time.

—Fred Barnes, for the Editors

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The Suicide of the Palestinians

Beyond barbarism in the Middle East.

BY DAVID GELERNTER

WE OUGHT TO FACE squarely the origins of the Palestinian descent into barbarism. In July 2000, Israeli prime minister Ehud Barak made a peace offer that stunned Israel and the world: Israel would re-divide Jerusalem—would turn over large pieces of its ancient capital to the same people who had destroyed its synagogues, desecrated its cemeteries, and banned Jews from entering when they last ran the show. Arafat rejected the offer. Then in September 2000 the new wave of murderous violence began, supposedly triggered by Ariel Sharon's visit to the Temple Mount.

In short, the Palestinian response to Israel's generous peace offer was, "Drop dead." How could that possibly have happened? A trick question—because the obvious but wrong answer is so close to the right one that it's hard to tune the right one in. You have to fiddle the dial back and forth. Yet the difference between the two is crucial. The "lesson of appeasement" is *not* that appeasement is futile. Appeasement is not futile, it is dangerous. Israel's enemies claim that Israel herself provoked the ongoing Palestinian pogrom, and in a sense they might well be right. Outlaws interpret an openhanded offer as weakness, not generosity. They interpret weakness as an incitement to violence. You can goad a dangerous animal to attack by threatening *or* by shrinking back. Unless you want to fight, the only safe maneuver is to stand still.

Everyone knows about Munich, September 1938: Britain and France generously donate a big slice of Czechoslovakia to Hitler, in exchange for "peace with honor," "peace in our time," and the Brooklyn Bridge. Many people know about the Kristallnacht pogrom, November 1938: Germany's approach to the Jews turns from mere oppression to bloodthirsty violence. Kristallnacht was "triggered" by the murder of a German diplomat by a deranged Jew. But some (not all) historians point out the obvious: A leading cause of Kristallnacht was Munich itself. Hitler read the Munich agreements as a proclamation by England and France stating: "We are weak; you have nothing to fear; do what you like."

The analogy is not close, just close enough. Israel is no Czechoslovakia and was not sold down the river. Barak made his offer freely and in good faith. But to a significant number of Palestinians, the offer obviously said: "We are weak; you have nothing to fear; attack." Appeasement doesn't merely fail to prevent catastrophe, it provokes catastrophe.

Now everything has changed, and we are only gradually coming to grips with the implications. Evidently the whole world is outraged by Israeli settlements on the West Bank. Even before the new violence, the world's outrage was hard to swallow. Some Israelis live among Arabs in settlements on the West Bank, some Arabs live among Jews in "settlements" (otherwise known as towns and cities) in Israel proper. What's the difference? The Israeli settlements are new, the Arab ones old. But if old settlements are legitimate and new ones aren't, what are all those mosques doing on the Temple Mount? Some European journalists refer to the great Temple Mount plaza as the "supposed" site of ancient Israel's holy temple—as in, "that beat-up white shell on the hill in mid-Athens is supposedly the 'Parthenon.'" The plaza was expanded to its current enormous size by King Herod of Judea during the final years of the last century B.C.E. During the peace talks two thousand years later, in July 2000, a Palestinian negotiator helpfully explained why Barak's offer of control but not legal sovereignty over the Mount had been rejected: "We can't sell our Haram to the Jews," even though (he forgot to add) they built it. (Arabs refer to the Temple Mount as the Haram.)

"New" and "old" depend on your point of view. Jews have as much right as anyone to settle on the West Bank. But it long seemed to me (as to many other American Jews) that, leaving right and wrong out of it, the settlements were causing Israel more grief than they were worth and ought to be stopped. But everything has changed. Who in his right mind could still believe today that to stop building new settlements (or even to abandon old ones) would appease the Palestinians? On the contrary: Such a move is likely to be dangerous, as Barak's offer turned out to be.

We now know what Palestinians want, and what they think of Israelis. After all, what exactly is the point of sending killers to massacre children at random? What do you accomplish? You impose hatred. You ask Israel, in effect: What do we need to do to make you all (not some of you; everyone) hate us? To make you unable to look at a Palestinian without revulsion? To force you eventually to take the terrible step of setting up enclaves where Arabs are banned? Palestinians don't want to live peaceably among Israelis; the natural conclusion is that they think about Israelis as they choose for Israelis to think about them.

Everything has changed, including (for many of us) our ideas about Islam. We ought to have paid more attention to the latest developments. We now learn that suicide bombers are told to

David Gelernter is a contributing editor to THE WEEKLY STANDARD.

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expect a heaven full of comely virgins as their next assignment. To the suicide-murderers, those waiting virgins are real as dirt. The killers call themselves "martyrs," but in their own minds they are the next thing to sex criminals. "Pardon me, sir or madam, do you know why I plan to murder your child? Because the authorities are offering me great sex—and, after all, I don't get many opportunities."

People who think this way are shielded from view, up to a point, by their own sheer evil. They are painful to contemplate. We instinctively look away, as we do whenever we are confronted with monstrous deformity. Nothing is harder or more frightening to look at than a fellow human who is bent out of shape. And moral deformity is the most frightening kind by far. How can Muslims of good faith allow such people to call themselves Muslim? But they do allow it. What does that mean? And is it possible that we have located here, in this inspiring vision of heaven as a whorehouse, *the* most loathsome idea in the history of human thought? This is the civilization that condemns "licentious" America?

And what is Israel to do? Kill terrorists? Lock up incipient terrorists? Fine, but not enough. Develop the Palestinian opposition also. People who say there *is* none can't be serious. Among all those mothers and fathers of children who have become suicide-murderers, not one? Not one who believes: "The 'leaders' who did this to my child must be stopped"? Of course you don't dare say such things in the territories. But surely (one optimistically assures oneself), Israeli intelligence could locate a few such families if it tried, and if they were removed to safe ground and protected. . . . "Safe ground" couldn't be Israel or America, or the credibility of this new opposition would be fatally compromised. But it could be Europe. (Khomeini preached the Iranian revolution from France.) Those few families would be mere people, not "leaders," not politicians. But prospective leaders and politicians would come. Being (as a rule) without passion themselves, they are drawn by passion. The Palestinian leadership would try hard to silence these families and their followers, but the message would get through: Our barbaric leadership is destroying us.

But what of Europe? Not long ago I picked up a copy of *Le Monde*, which reports on the recent meeting where work was started on a constitution for Europe—the goal being to allow Europe to campaign, as the equal of any great power, "*pour affirmer ses valeurs*," to assert its values; and you can't help but wonder, exactly what "valeurs" are we talking about? Indifference? Complacency? Spiritual exhaustion? "European values" (certainly "French values") has come to sound like "Palestinian moderates"—a contradiction in terms. To any instance of Western man—American or not, Jew or gentile, male or female—Europe's spiritual collapse is heartbreaking. It is strange but true that the only European country one can picture (by the remotest stretch of the imagination) cooperating on the sly with Israel to help create a Palestinian opposition is Germany—or maybe, if the United States made an issue of it, Britain.

There are larger questions about Israel's role in the world that have been pressing for years, but nowadays seem to grow more acute by the hour. The axioms that underpinned Zionism have been turned inside out. Modern Israel was conceived as a safe haven for Jews. It had other reasons for existing—but safety, and the dignity that only comes with safety, were Zionism's emotional mainsprings. In recent decades, though, especially since the end of Soviet tyranny, the safe-haven idea has lost cogency like an unwound watch running down. In the last few years, Israel has started to look (on the contrary) like the most dangerous place for Jews in the world—if we exclude the small Jewish communities that still exist in Arab countries. Israel must change the way in which it explains itself. (Yoram Hazony made essentially this claim in his seminal *The Jewish State* of 2000.)

When we look at Israel today, it is crucial that we not allow Palestinian barbarism to distract us from another part of this picture: the everyday heroism that lights the whole place up from end to end. A large proportion of Israelis have relatives or connections abroad, mainly in the United States, and they could run to safety if they wanted to. Who would blame them? Who would even have the theoretical right to blame them? But overwhelmingly they have chosen to stay and stand fast. The whole population, man, woman, and child, is holding (is refusing to abandon) a dangerous forward position under fire. It's hard for Israelis to praise Israeli courage, but Americans ought to.

Why do they do it? Partly for powerful negative reasons. It isn't easy to leave home; and many Israelis are determined that Jews will never again be driven from their homes into alien lands by thug mobs. But there is more to Israel than resolve in the face of a uniquely tragic history. Israel still pays its way using the world's only emotional currency denominated entirely in negative numbers. It needs a new currency with positive markings.

Israeli thinkers ought to speak less about the tragedy (*or* the ordinariness) of Israel's 3,000-year history, and more about its luminous greatness; ought to talk up the nation's brilliant prospects, and the central role it has played from Moses to Wittgenstein in creating and molding Western civilization. They don't like to talk this way, but they ought to steel themselves and do it anyway. "The Jew is a desert region," Wittgenstein wrote, "but underneath its thin layer of rock lies the molten lava of spirit and intellect." Israeli thinkers have talked enough desert; it is time to talk lava. Much of the world is at a spiritual lowpoint right now, dragging its belly on the ground. Israel has known before what to do about that. Israel has addressed the whole world and wrought spiritual revolutions, and ought to do it again now. ♦

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Insanity on Trial

Andrea Yates *was* insane, and everybody knew it.

BY CHRISTOPHER CALDWELL

SHORTLY AFTER she was sent to Harris County Jail to await trial for drowning her five children in a bathtub, Houston housewife Andrea Yates asked a psychiatrist to shave her head so she could see if the number 666 was still printed on her skull. That wasn't her only problem. A full month into her incarceration, despite regular 15-milligram doses of the potent anti-psychotic Haldol, she was still seeing hallucinations of horses on the prison walls. Since the birth of her first child, she had heard voices that she associated with Satan telling her to kill her children with a knife. She was convinced a character in the movie *O Brother, Where Art Thou?* had sent her a message from Satan: "You have eluded me long enough." She thought the news networks had put cameras in her house to monitor her performance as a mother. She had been diagnosed with—and hospitalized for—psychosis, schizophrenia, severe post-partum depression, and a frontal-lobe brain disorder. She had attempted suicide twice. The evidence of mental unfitness presented at her murder trial this spring would run to 1,000 pages.

Andrea Yates, who was sentenced to life in prison on March 15, was crazy as a loon. Her craziness had everything to do with the murders she committed. While the Harris County prosecutors pretended not to believe this, it is hard to see how 12 jurors could have thought otherwise. Their decision to convict Yates of murder, rather than rule her not guilty by reason of insanity, has given rise to accusations from columnist Richard Cohen that witch trials are back, and to European declarations that Texas is collapsing into barbarism. These worries tell only one side of the story. They ignore the very real possibility that, had she been acquitted, a violently insane woman could have found herself back on the street in short order. The ultimate outcome—life incarceration, no possibility of parole, with psychological care—will strike many Americans (including this writer) as fair. But the Andrea Yates verdict rests on a kind of jury nullification. It was obtained by the willingness of a merciless prosecution to seek the death penalty, and thus to risk involving the state in killing a mentally deranged woman. And it produced a nudge-nudge, wink-wink application of the law, revealing that common sense and legal statutes have been driven dangerously asunder.

The insanity defense has a long history. Texas's version descends from the 1843 M'Naghten Rule, named for the Scottish psychotic who murdered an aide to British prime minister Sir Robert Peel during a bungled assassination attempt. M'Naghten holds that insanity can be claimed in a courtroom only by those who, at the time of their misdeed, could not tell right from wrong. There have been attempts to produce more flexible guidelines. In the 1950s and '60s, insanity could be claimed by any who showed their deed to be a "product of mental illness." But since John Hinckley's acquittal on insanity grounds for trying to kill President Reagan in 1981, states have borne down hard on insanity claims. Four states have abolished them altogether, and a dozen more have introduced the verdict of "guilty but insane." The others, including Texas, have reverted under various formulations to the M'Naghten rule.

Harris County assistant district attorney Joe Owmby admitted right off the bat that "there's no question Andrea Yates had some form of mental illness." But he and other prosecutors sought to show that the voices she was hearing had done nothing to impair her sense of right and wrong. This was highly implausible. Yates called 911 and told the police to come over, prosecutors noted. She admitted she expected to be punished. Ergo, they reasoned, she knew right from wrong. What's more, prosecutor Karlynn Williford made the implicit claim—in the face of everything we know about Andrea Yates's conduct as a mother—that this was a long-hatched premeditated murder, grilling a psychiatrist with a question, "Do you recall her saying, 'After thinking about my options, I decided drowning them was the best way to end their lives'?"

But this is not evidence of "criminal intent," as any reasonable person would understand it. It is evidence that the defendant is hearing voices, which she takes to be either divine or Satanic, taunting her with the words of Matthew 18:6, Mark 9:42, or—in the version most open to misreading—Luke 17:2: "It were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones." That Andrea Yates knew her actions would be *perceived* as wrong does not mean she had a meaningful *sense* that they were wrong. Those who think God is commanding them don't await a second opinion from the Houston police department. "Andrea Yates had bigger fish to fry than seeing a psychiatrist," said psychologist Xavier Amador, who has treated women who have killed their children. "She was grappling with Heaven and Hell."

The prosecution disingenuously blurred the distinction between insanity and stupidity. They called Harry Wilson, a pediatric pathologist, to do a blood-and-guts reenactment of the sort prosecutors always

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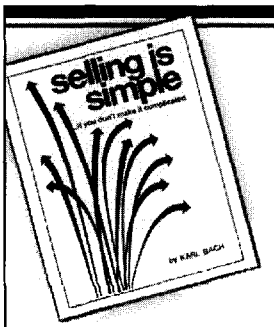
assume will impress juries. As the *Washington Post* put it, "Wilson emphasized that killing the children in an hour, as Yates did after her husband left for work and before her mother-in-law came for her daily visit, was not the work of a psychotic with jumbled thoughts." No, it was the work of a psychotic with tragically *clear* thoughts. The prosecution seemed to understand this, because it also made very nearly the opposite claim: that Yates was proved insane by her failure to obey some Unwritten Rulebook of Religious Psychos. Park Dietz of UCLA, a longtime prosecution rent-a-witness in such trials, said Yates probably didn't really think she was saving her children from Hell because "she doesn't tell them they'll be with Jesus or God."

One assumes that hostility to the insanity defense would be the mark of "right wing" forces, like the Texas judiciary system. But they had help. Feminists, who were the most vocal participants in interpreting the Yates trial to the public, had their own axe to grind. Feminist skepticism about any stereotypical "maternal instinct"—in the context of which Yates's behavior appears even *more* insane—weakens a child-murderer's ability to use the insanity defense, of course, but that's a topic for another article. What is noteworthy in this context is the way feminists cast Yates's behavior: as an understandable (if extreme) reaction to the oppression of normal bourgeois family life. They wound up undermining her insanity defense, even as they thought they were promoting it.

Aside from her final murderous act, Andrea Yates was by all accounts a generous soul and a wonderful mother. This sounds like a sick joke, but it is not. When Yates's attorney asked one of the crime-scene policemen: "Weren't those five bodies in absolute stark contrast to everything else we saw in that house?" the policeman replied, "I would have to say yes." Yates's competence as a mother would seem to be independent of her psychosis—but "women's advocates" didn't see it that way. They placed Yates on a continuum with housewives everywhere. Her being a born-again Christian and a home-schooler made her even more appealing as a symbol. *There but for abortion, day care, and secular humanism go I.* There has never been a better illustration of feminism's degeneration into a populist movement for the privileged classes. As Bob Herbert put it in an excellent column after the murders: "Suddenly the nation has a mass killer it can empathize with, identify with, care for, even love."

Having five children struck some feminist writers as incitement to murder in the first place. Suzanne O'Malley of the *New York Times* thought early on that Yates's husband Rusty, a NASA engineer, had "nudged his wife over the edge," particularly because he "had fathered a fifth child." Yates's shrink Eileen Starbranch noted: "Apparently [patient] and husband plan to have as many babies as nature will allow!" (This may have been a bad decision in Yates's case—but the exclamation point indicates that Starbranch saw it as an unpardonable eccentricity in general.)

The height of feminist absurdity was reached last August when Abigail Trafford, in a *Washington Post* op-ed, derided the NASA community as "Mommyville, USA, . . . a place where the children are small, support is scarce, husbands are mainly absent and responsibility is overwhelming." Although the Yates case had initially spurred sympathy for sufferers of post-partum depression, Trafford noted, "now a backlash is setting in." (Backlash against *what*? Against a woman's right to kill her kids?) "Many mothers could imagine going a little stir-crazy in a house alone with five small children, day after day. And those who have had an episode of



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postpartum depression would know the depth of Andrea Yates's pain." But the question is not whether Yates was "a little stir-crazy"; it's whether she was *crazy*.

In this, feminists were quite confused. When Katie Couric famously aired the number for Yates's defense fund, and announced that money left over would be given to mental-health charities, her spokesperson dippily told the *Washington Post*, "I don't see how it would suggest that NBC is agreeing or supporting" the insanity defense. And when NOW rightly condemned the decision of Harris County prosecutors to seek the death penalty, it did so on the wrong grounds. Prosecutors were seeking to kill Andrea Yates because they pretended to think she wasn't insane. And they pretended to think this not because they questioned NOW's assertion that the murders were the act of an overtaxed housewife, but because they *accepted* it.

Both of them were wrong. So what happened to make the jury decide as it did? According to Stanford law professor Lawrence M. Friedman, the M'Naghten test of right and wrong is "at bottom, nothing but words, which a judge can read or recite to a jury. . . . Folk concepts of sanity and insanity [have] probably played more of a role than the official concepts." It is just such "folk" concepts of sanity that Texas jurors were exercising when they decided to reject the insanity defense. Take the Paul Harrington case, for instance, which many of them had probably discussed around the water cooler at work. Harrington, a Detroit policeman, was found not guilty by reason of insanity after killing his wife and children in 1975. He was released after two months, when it was determined he posed no threat to anyone. In 1999, he killed his second wife and his 3-year-old son.

In his 1995 study of juror behavior, *Commonsense Justice*, Georgetown psychology professor Norman J. Finkel wrote that some jurors faced with insanity pleas "may reach a verdict 'backward': that is, they first decide whether they want to see the defendant in prison or in a psychiatric hospital, and then decide which verdict is likely to achieve that outcome." The term of art for this type of reasoning is jury nullification. Capital murder has only two punishments in Texas: death and life in prison. The insanity defense, in the minds of jurors, adds a third possibility: throwing the murderer's fate into the lap of some credentialed ignoramus from Harvard Medical School who may decide to release Andrea Yates into the neighborhood where their children play. Under the circumstances, the jury was simply not ready to surrender its right to dispose of the case.

Andrea Yates

REUTERS / Richard Carson

Criminal-justice intellectuals like to snicker at jurors who think of the insanity defense as an easy out. Such jurors seem not to realize that those acquitted as insane actually spend more time in mental institutions than those guilty of murder spend in jails, according to the American Psychiatric Association. But in this case, the APA might have been wrong. Under Texas law, had Yates been acquitted by reason of insanity, the decision on whether to commit her to a mental facility would have been made by either the judge or a brand new jury. (Yates's lawyers would have been allowed to pick their preferred option.) And if committed, Yates would have had to have her commitment reauthorized year by year. One local psychiatrist told the *Houston Chronicle* that he did not believe Yates would have been considered dangerous. There was thus a chance she could have gone free—and soon.

What happened in the Yates trial was that a "guilty but insane" verdict was engineered by an obdurate prosecution and abetted by jury nullification. The prosecution clearly did not believe its own case for Yates's sanity, for it made no argument for capital punishment in the sentencing phase of the trial. The only part of its case that the prosecution believed, in fact, was that Andrea Yates ought to be locked up for a long, long time. That is nothing to be scoffed at; in fact it's something to be glad of. Prosecutors have a duty to protect us from such people. But the way they did it in the Yates case corroded the justice system by fostering cynicism among jurors, writing into precedent a phony understanding of how the human mind works, and making the law less intelligible and less compelling to those who live under it. ♦

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Soft on Microsoft

The Potemkin antitrust settlement.

BY EINER ELHAUGE

ONE OF Catherine the Great's closest advisers was Prince Potemkin, who famously tried to persuade her that his policies were improving the life of the Russian people by constructing fake prosperous villages for Catherine to see as she sailed by on the Volga River. Today, another powerful woman, Judge Colleen Kollar-Kotelly, the judge in charge of the Microsoft case, is looking at what can only be described as the Potemkin Village of antitrust settlements.

On its face, the proposed settlement between Microsoft and the Justice Department looks fairly impressive, as befits the most consequential antitrust case since the government broke apart the Bell Telephone monopoly two decades ago. Over 90 percent of personal computers use Microsoft's Windows operating system, which runs a variety of software by Microsoft and rivals. The government litigation proved that Microsoft had taken various illegal steps to bar competition from rival software makers, including: (1) mixing together its operating system and software code in order to exclude rival software, even though this conferred no technological benefit and indeed degraded performance; (2) making or encouraging design decisions that made it more difficult to run rival software on its operating system—again, with no technological benefit to the user; and (3) making agreements or threats that barred other firms from using rival software.

These are serious violations that demand serious remedies. The proposed settlement purports to require Microsoft to do the following: (1) Disclose to rival software makers the code they need to run their products on Microsoft operating systems. (2) Allow others to customize Microsoft's operating system in order to substitute rival software for Microsoft software. (3) Stop excluding rivals through agreements or threats. The basic idea is that with these restrictions in place, rival firms could compete on an even playing field in developing the software that runs on operating systems. It all sounds pretty sensible. Unfortunately, there is remarkably little of substance behind this impressive looking façade.

The most fundamental problem is that, even if the settlement works as advertised, it will do nothing to prevent Microsoft from using technological means to prevent competition on the merits. All Microsoft has to do is commingle its software code with its operating system code, or design its operating system to disrupt rival software. If it does the former, buyers will not want the now redundant rival software since they will have already paid for an operating system that includes the Microsoft version. If it does the latter, no one will want the rival software because, through no fault of its maker, it won't work as well.

It would be one thing if Microsoft's rivals were subdued by genuine technological innovation that happened to make their products less desirable. But in fact the settlement leaves Microsoft free to exclude rivals through product bundling or design decisions that confer no technological benefit on users and even degrade performance. Given that Microsoft was found guilty of doing precisely that repeatedly, it is hard to see how such a settlement could be in the public interest.

Thus, even construing it in the most favorable light, the proposed settlement would be like trying to stop traffic on a five-lane highway by closing one lane. But in fact even that one lane remains open because, after two rounds of revisions, a series of sneaky definitions make the settlement's supposed restrictions on Microsoft speed bumps at best.

For example, the proposed settlement would not oblige Microsoft to disclose the code rivals need to run on Windows, unless those rivals use it for the sole purpose of interoperating with a "Windows Operating System Product." Sounds okay, but this term is then defined to include only Windows XP or Windows 2000 Professional running on personal computers. Microsoft would remain free to withhold the code necessary to run software on other Windows operating systems that are in much wider use (like Windows 95, 98, and 2000) or on any hand-held devices. Relegated to use on only a fraction of Windows-run devices, rival software would already be at a huge disadvantage.

Consider next the obligation to allow computer makers (like Dell and Gateway) to customize the Microsoft operating system to substitute rival software. It turns out this only applies to rival software that qualifies as a "Non-Microsoft Middleware Product"—a term of art defined in a narrow way that limits it to products of which "at least one million copies were distributed" last year. The Catch-22 is clear. Microsoft can bar computer makers from customizing the operating system to substitute any new software until it reaches the one million-user threshold. And no new software is likely to reach that threshold as long as Microsoft can bar such substitution.

What about the obligation to refrain from threats or agreements that induce firms not to use software that competes with "Microsoft Platform Software"? This term is defined to mean either a "Windows Operating System Product" or a "Microsoft Middleware Product." The former leaves Microsoft free to use threats to exclude rival software that competes with all of its Windows products except XP and 2000 Professional. The latter means Microsoft can exclude

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rivals until they distribute one million copies. Again, one wonders how many rivals will get to the one million threshold in the face of such threats and agreements.

Finally, the proposed settlement does not really protect all rival software that might run on Windows, but a certain set of software it calls either "Middleware" or "Middleware Products," whose definition is narrowed in additional odd ways which raise problems that cut across the settlement provisions on disclosure, customization, and agreement or threats. Consider new software products that are not listed in the proposed settlement. Under the "middleware" definitions, Microsoft can avoid any restrictions against excluding such new products by the simple expedient of not trademarking its own competing product or by not distributing its product separately from its operating system.

Another odd limitation on the "Middleware" definition means the settlement does not protect rival software that competes with updated versions of Microsoft's products unless those updates are "major"—a term defined to include only those updates that Microsoft chooses to identify "by a whole number or by a number with just a single digit to the right of the decimal point." So, even if Microsoft did want to trademark or separately distribute a software product, all it would have to do to avoid its settlement obligations is create an update and assign it a version number with two decimal places. Thus, as long as updates to Futureware 1.0 are simply relabeled 1.01, 1.02, and 1.03, and not Futureware 1.1, 1.2, and 1.3, Microsoft can exclude competitors with impunity.

In short, as applied to new products, these definitions effectively leave it to Microsoft's discretion whether it has any obligation to disclose its code, allow customization, or refrain from exclusionary threats and agreements. The company is effectively free to resume all the practices that were held illegal and that the agreement ostensibly forecloses. Prince Potemkin would have been proud. ♦

Axis of Evil, Asian Division

Liberation of North Korea should be the goal.

BY JIM DORAN

PRESIDENT BUSH'S inclusion of North Korea in the "axis of evil" was accurate and necessary. It was also liberating. It freed us from the confines of a debate about North Korea that has unfolded along traditional hawk versus dove lines.

The doves, led by South Korean president Kim Dae Jung and former U.S. president Bill Clinton, stressed the need for dialogue, conciliation, and the pursuit of signed agreements with the North. This approach has featured the 1994 Agreed Framework, a North-South summit in June 2000, renewed diplomatic relations between Pyongyang and several Western countries (though not the United States), and the lifting of longstanding U.S. sanctions on North Korea.

If the measure of success is the enhancement of U.S. and South Korean security, then the dovish approach has manifestly failed. Through all the talk and signing ceremonies of the past decade, North Korea has continued to develop the Taepo Dong-2 missile, which will be able to reach the United States, according to the CIA. It also continues to export missile components and technology to Iran, Libya, and Syria. No effort has been made to diminish its stock of chemical and biological weapons, both of which, the CIA recently informed Congress, Pyongyang has the capability to deliver by missile. As for nuclear power, despite the freeze on construction of the Yongbyon nuclear reactors, the fact is that without full inspections by the International Atomic Energy Agency (IAEA), to which North Korea has agreed but which have yet to take place, we simply do not know the full extent of Pyongyang's nuclear capabilities.

Meanwhile, the readiness of North Korea's massive conventional army—third largest in the world, for a country with 22 million people—has improved over the past few years after a famine-induced slide in the mid-1990s, largely thanks to aid from the United States and South Korea. As a result, the regime in North Korea is as entrenched and dangerous today as it was when we launched Asia's analogue to the now-defunct Middle East peace process.

In pointing out these failures, hawks have argued for verifiability and strict reciprocity in agreements, immediate IAEA access to North Korea, and an exploration of the possibility of replacing the nuclear reactors being built for North Korea under the Agreed Framework with conventional power plants.

While the hawks' goals are desirable, their approach suffers no less than the doves' from a fundamental flaw: It assumes the legitimacy of the Communist regime in Pyongyang. Indeed, as long as we continue to negotiate with North Korea over what are essentially technical matters, however hard-headed our negotiating posture, we contribute to the legitimacy of the regime. Assuming and undergirding the legitimacy of a regime so plainly illegitimate as Kim Jong Il's is not only contrary to American values but also doomed to fail, just as détente and arms control with the Soviet Union failed in the 1970s.

President Bush has pointed the way

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out of this box. By properly labeling the North Korean regime evil, the president has called into question its legitimacy. This allows us to get to the heart of the matter: Getting rid of Kim Jong Il and the sinister clique in Pyongyang is the only lasting solution to the multiple threats that North Korea now poses to the world.

A liberation strategy for North Korea would require at least the following policies:

(1) Public diplomacy. The president's State of the Union speech should be followed up with additional statements by high-ranking officials that indicate the United States' desire for a new regime in Pyongyang. In order to keep the moral high ground, Washington must offer reasons that focus not only on the North Korean military threat, but also on the execrable human rights situation. North Korea is routinely ranked among the very worst offenders in the world by all the monitoring organizations.

Radio Free Asia broadcasting into North Korea, now just 2 hours a day, should be ramped up—ultimately to 24 hours a day—in conjunction with efforts to provide and spread the means of communication in North Korea, as was done successfully in Poland in the early 1980s. Obviously, the United States should oppose additional moves toward extending diplomatic recognition to Pyongyang and including North Korea in international fora.

(2) End financial subsidies to the regime. U.S., South Korean, and international aid legitimizes the North Korean regime, helps sustain its military capabilities, and in all likelihood saved it from collapse in the early to mid-1990s. North Korea has diverted U.S.-provided fuel oil for military purposes. We cannot be sure where our food aid has gone because the inspection regime is a farce: Aid groups must give the government a week's notice before inspecting distribution systems.

The United States should end this silly state of affairs by giving North Korea a short deadline to allow no-notice, countrywide inspections of food aid and fuel oil distribution. If the deadline is not met (which seems likely), the aid should be cut off. Similarly, if North Korea does not allow the full IAEA inspections required under the Agreed Framework to begin immediately, construction of the light-water reactors should cease forthwith.

Diplomatic pressure should also be brought to bear on Beijing and Seoul to cease the direct aid and payoffs that have marked their recent policies toward Pyongyang. Finally, the United States should declare that there will be no further lifting of sanctions and that all international loans to North Korea will be opposed.

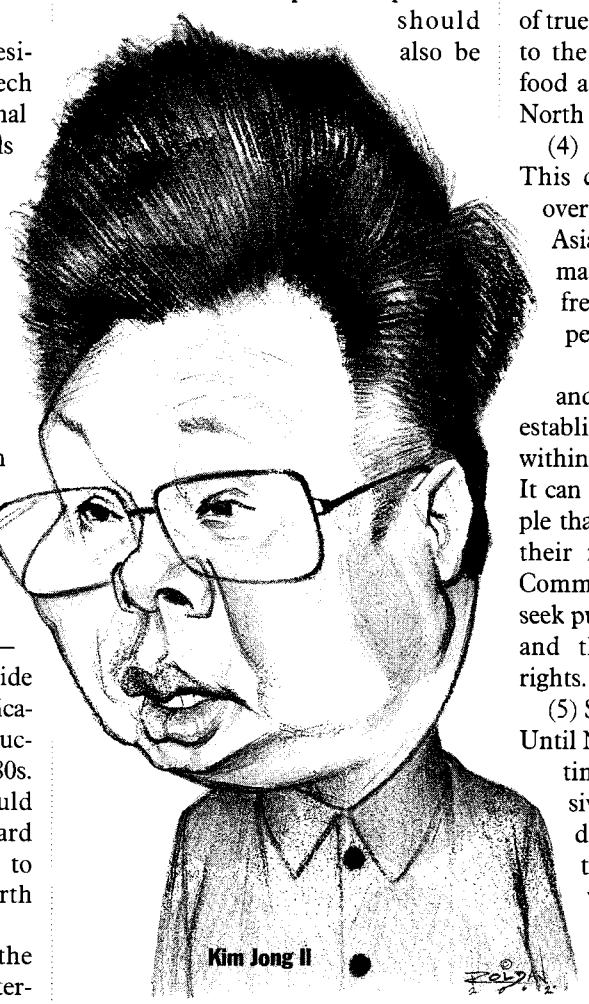
Kim Jong Il

Illustration by Ismael Roldan

(3) Encourage an exodus from North Korea. A flood of refugees from the former East Germany contributed to the welcome collapse of that regime in 1989. There are credible reports that over 200,000 North Koreans have fled in recent years to China, Russia, and South Korea.

We should encourage this trend by providing diplomatic and financial support to South Korean-based refugee organizations, international nongovernmental organizations, and governments that are willing to assist those who flee the prison that is North Korea. Such an effort would be an act of true international mercy, as opposed to the present charade of providing food aid that is "distributed" by the North Korean military.

(4) Promote internal opposition. This can be pursued through both overt and covert means. Radio Free Asia broadcasting and public diplomacy should stress the benefits of freedom and democracy for the people of North Korea.

On the covert side, defectors and refugees can help identify and establish contact with potential allies within the North Korean government. It can be communicated to these people that the United States would urge their receiving amnesty in a post-Communist North Korea and would seek punishment only for Kim Jong Il and the worst abusers of human rights.

(5) Sustain and enhance deterrence. Until North Korea is free, it must continually be reminded that aggressive action on its part will immediately result not in mere retaliation, but in a decisive blow that will end the regime. The Bush administration's inclusion of North Korea as a potential target in the recent Nuclear Posture Review is an excellent step in that direction. Addressing the grossly inadequate housing and unfair pay scale for our soldiers in Korea would also help.

A policy geared toward the ultimate liberation of North Korea will require time, effort, and expense. Most of all, it will require fortitude. For that reason, it will be opposed by the guardians of the status quo. But as the horrible events of September 11 should have made clear, the status quo is no longer acceptable. ♦

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Down and Out in Westchester

Look who's lining up for a federal handout.

BY SAM DEALEY

EVEN AMONG THE HOMELESS, it seems, there's a pecking order for park benches. Why dodge bullets in gang-torn Compton when you can shoot the breeze with Bill and Hill in Chappaqua? Indeed, Westchester County, New York, has a more severe problem with homelessness than anywhere else in the country. That, at least, was the surprising news reported by Westchester County Executive Andy Spano two weeks ago.

When the Bush administration announced that it planned to divert federal housing funds from the dozen or so wealthiest communities in the country to some impoverished ones along the U.S.-Mexican border, Westchester howled. Despite a per capita income of $30,250, over twice the national average, Westchester claimed that the $3.5 million in Community Development Block Grants it would lose are desperately needed for social services.

"We're the only community in New York state singled out for this cut because of our supposed high income," a spokeswoman for Spano told the *New York Times*. "They do not take into consideration that we have the highest per capita homeless rate in the country." Spano later added at a press conference: "The president needs to be reminded that Westchester continues to have the highest per capita rate of homelessness in the country."

What about Westchester's status as the homeless capital of America? "I went back and asked the people here at HUD who [track the homeless] for a business," says a department official, "and they were perplexed by it." He further notes that over the last two years, HUD has given $11 million in direct, targeted assistance to Westchester's "homeless."

Outside advocates are also perplexed by Spano's claim. "I don't know what methodology you would use to determine that," says a dubious Donald Whitehead of the National Coalition for the Homeless. A spokesman for the Partnership for the Homeless, a New York City outfit, concurs: "In Westchester County that would strike me as being surprising."

By HUD's formula, all those lovely turn-of-the-century mansions help qualify the county for more federal funds.

And consider Westchester's itemized disbursements submitted to HUD. According to the county's own records, not one penny of the federal funds was spent directly on the homeless last year. So where did the money go? "Street Improvements" accounted for $300,000, while nearly $1.1 million went to sidewalk repairs. Another $590,000 was dumped into "Parks and Recreational Facilities."

When pressed on the homeless issue, Westchester officials flinch. "Get away from the homelessness thing," says Susan Tolchin, a spokesman for Spano. "That's not what we're talking about. The only reason we brought up the homelessness situation is to show President Bush that, per capita, this whole county is not Scarsdale."

Rep. Nita Lowey, a Democrat who represents the tony villages and hamlets of southern Westchester, chimed in too. "Because Westchester has a high per capita income, it is assumed that we don't need our community development funds. Nothing could be further from the truth. If anything, Westchester faces a unique set of challenges that the Bush administration fails to consider, including cost of living, state and local taxes, and utility expenses."

But according to Westchester County's own data, the cost of living has decreased significantly over the last decade. And as for state and local taxes and utility expenses—those are state and local issues. If taxes are too high and threaten economic development, Spano could take a little initiative and lower them. Local officials' bad governance is no reason to perpetuate the same on a national scale.

As with most things Westchester, the housing-funds flap is a question of privilege, not of need. Over the last decade, Westchester's CDBG grant has grown by 63 percent, to over $7 million annually. A large part of this increase is no doubt due to the largesse of Andrew Cuomo, the Clinton housing secretary and a New York gubernatorial candidate this year.

Then, too, there are loopholes in the formulas HUD uses to award the grants. For instance, under the formula chosen by Westchester, 50 percent of the weight goes to "age of the housing stock." Any housing built before 1940 is treated by HUD as inferior to a house built yesterday. The result, of course, is that all those lovely turn-of-the-century mansions help qualify Westchester for *more* federal funds.

If Westchester officials are concerned about local government's ability to meet the social services needs of the community, they might urge Lowey and fellow liberal Rep. Sue Kelley to fight as hard for Bush's faith-based initiative as they have for pork. But don't count on it. "We're hoping that our delegation in Congress, which has been supportive of the county executive's attempt to stop this, will stop this," says Tolchin. ♦

Sam Dealey is a writer in Washington.

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Janet Reno Rides Again

. . . into the swamp of Florida politics

By Matt Labash

Orlando

It's impolite to notice, but notice they do on the campaign trail: Janet Reno is a lot of woman. She's 6′ 1½″ barefoot, 6′ 1¾″ in her sensible flats. Perhaps no other Clinton cabinet member aroused such disparate passions as the former attorney general and current Florida gubernatorial candidate. As befits a human Rorschach test, she has been called many things—by her champions, everything from "Mother Teresa" (Florida attorney general Bob Butterworth) to "pure oxygen in a city with thin air" (*Time* magazine) to a "folk hero" (herself); by her critics, everything from "the most corrupt attorney general" in history to "Janet Reno Clouseau."

But when they meet her in person, most people, fan or foe, have a more rudimentary reaction to the outsized Reno. They approach her with all the subtlety you'd expect at a Sasquatch sighting. "Wow, she's much taller than I thought," one rally attendee says in Tallahassee. "She's quite large, I hear she's over 6′ 4″," gasps a health department official in Tampa.

From Reno's perspective, this in a way is good. Crass as it may be, discussion of her physique means people are taking notice of her human dimensions. And no candidate this year is more in need of humanization than the often dour Reno. When not evidencing what a biographer called her "ramrod rectitude," she seemed nearly androidish in the face of fallout from the Waco catastrophe, the Clinton fund-raising morass, and the Elián González affair.

"Reintroducing Janet to Floridians," as her campaign manager says, is why Reno embarked on her "Red Truck Tour" of Florida. Manning the wheel of a used 1999 Ford Ranger, Reno lit out on February 26 from the Alabama border for a 15-day jaunt across the state. Hoping to unseat Gov. Jeb Bush this fall if she can withstand a primary challenge from Tampa lawyer Bill McBride—a neophyte whom Democratic kingmakers are supporting since they believe he matches up better against Bush—Reno has something to prove.

The 63-year-old has been perceived as physically frail since she was diagnosed with Parkinson's in 1995. It didn't help matters when she fainted during a speech at the University of Rochester on February 1. Forty-five minutes into her talk, Reno timbered backwards, uttered "Damn" on the way down, and provided a disastrous CNN visual: the candidate sprawled on her back, her size-13 gunboats peeping out from behind the rostrum.

As undesirable stagecraft goes, the episode ranked alongside Ed Muskie's crying jag. Reno's cousin played it off as a "30-second nap," and Reno's doctors let everyone know she'd collapsed because she was overheated and undernourished, not because of Parkinson's. Since it was her third public collapse since 1997, Reno joked that every once in a while she goes "zoop." But Reno has been subjected to polite sniping even in friendly quarters. At a Democratic candidates' forum, state representative Lois Frankel (one of two additional non-factors in the Democratic primary) said, "Wherever we go, Janet gets the most attention, whether she's standing up or lying down."

Derivative though it may be (Sen. Fred Thompson drove a red truck across Tennessee in his 1994 campaign), The Red Truck Tour is Reno's shot to prove she is robust enough to be governor. I catch up with her in Orlando, and immediately kick myself when my colleagues in Reno's trailing white press van tell me what I've missed: Janet carefully treading in her flats across Ft. Walton's white-sand beaches while trying not to go down on her keister as did a cameraman, Janet schmoozing her base at a gay resort (site of the Suncoast Eagle leather bar), Janet playing drums (badly) before an anemic crowd at a Bo Diddley concert in Gainesville.

In the van, the radio is tuned to the "Doc and Johnny" morning show. Reno is the guest. Doc, or maybe it's Johnny, says he's heard that Reno's heading to Daytona, home of spring-break hedonism, and warns her not to "get involved in any cole slaw wrestling." "That's what I've heard," responds Reno. After she leaves, Johnny (or maybe Doc) says, "She's very straightforward. You may agree with it, you may not, but if you're looking for someone to be joking and all this stuff, that's not in her nature."

Our first stop of the day is JP's Everyday Gourmet in Orlando. Though maximum capacity at the breakfast spot is 128, about a quarter of that number are sleepily ingesting their "day-break burritos" and "snorita frittatas." Reno

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pulls up in her truck, and is met by a throng of reporters, who nearly outnumber customers. The patrons, for their part, evidence a beam of recognition, but not a one gets up to greet her, nor does she seem interested in greeting them. Instead, she heads to a back table to breakfast with retired officer Malcolm Thompson and his wife.

In 1997, Thompson, of the Kissimmee police department, was shot four times in the head, neck, and chest. One bullet went through his temple, traveled through his sinus cavity, and is still lodged in his jaw. He is now blind in one eye, and has blurry vision in the other. But when asked if he can see Reno across the table, he responds, "She's a beautiful lady." ("I'm glad your wife is here," Reno answers primly.)

Reno is trying to shore up support among law enforcement types, with whom she has never been popular (in December, the Miami-Dade Police Benevolent Association boycotted her when she spoke at a dinner). During her AG stint, even one Clintonite groused that "she seems more interested in sociology" than in being tough on crime. But as governor, Reno says she'd make Florida "safer" (since 2000, Florida has seen its lowest crime rate in 30 years).

Reno speaks so softly that even two or three feet away it is difficult to hear her. Consequently, the pack presses around her table so close that we ought to be issued hairnets. Reno and Thompson are trying hard to replicate natural conversation, which sounds more like Reno reciting pre-fab campaign bits, while Thompson exuberantly nods. Reno says there's "no excuse for putting a gun beside someone's head." "I agree," says Thompson. Reno says she'd like to start federal/state partnerships in law enforcement. "I think that's super," says Thompson. Remembering that she's there "to learn," Reno asks Thompson what he can think of. "You caught me off guard there," he says.

The media are interested in more substantive issues. "How's your backside doing?" asks one television reporter. "The Little Red Truck has the best seat I've ever been in, I don't get tired," says Reno. "What do you listen to in the truck?" asks another. "Hank Williams, Johnny Cash," says Reno. I ask her what she thinks about while doing all that driving. "I'm thinking about Florida," she says.

Then the media are banned from the table, and Reno and the Thompsons dine through long patches of silence. A few tables away, we buttonhole Reno's 29-year-old campaign manager, Mo Elleithee, a former press secretary to Virginia governor Mark Warner's campaign. While Reno's campaign thus far has consisted almost entirely of hammering Bush for not spending enough on education, one reporter wants to know how she intends to pay for increases. "Right now, she's just laying out her themes," says Mo. Another reporter wants to know why the campaign keeps saying Reno is a big draw, when in the conservative Panhandle, she was met by sparse crowds. "I said she's a big draw for March!" Mo counters defensively (the primary isn't until September).

As Reno leaves the restaurant, I corner her for scarce one-on-one time. I am nearly intercepted by her junkyard dog of a press secretary, Nicole Harburger, a 25-year-old former Hill aide whose brunette hair is pulled back in a tight ponytail, though not as tight as most reporters would like to pull it by trip's end.

Though this is purportedly a populist tour designed for Reno to display her aptitude for straight talk, whenever anyone attempts a little private time, Harburger descends like a flying squirrel, her microrecorder whirring. Ordinarily, press secretaries do this to make sure their candidate is not misquoted or has said nothing embarrassing. But Reno rarely says anything embarrassing in interviews. In fact, she hardly says anything at all—often restricting herself to one-sentence, and even one-word, answers. A typical exchange: Me—"So, what'd you eat back there?" Reno—"Oatmeal." Harburger—"Matt, check in with me before we pounce on her."

Her campaign manager says the purpose of this tour is to "let Janet be Janet." And Reno is never more Janet than on the walk to her next engagement. Reno's legions of critics like to say that her bad judgment was often mistaken for let-the-chips-fall integrity. But nobody can accuse Reno of failing to exhibit fetishistic probity on the smallest details.

Over the course of her public career, she has refused to drive her state car to work, insisted on flying coach, and even declined complimentary vittles from star-struck cafeteria workers at the Justice Department. As we come to a downtown crosswalk, the intersection is completely empty, but Reno refuses to proceed until the little green man illuminates. As we enter the Orange County Administration Building for a meeting with County Commissioner Homer Hartage, Reno signs in. When the media skip the formality and follow her into the elevator, she wheels around to the security guard and rats us out. "I don't want to take anybody with me if they haven't signed in," she says.

Upstairs, she signs in again, then once more in Hartage's office. As we wait for Hartage to arrive, his assistant asks if we'd like something to drink. I ask for water, and Nicole is on me like a tick. My first reaction is to consider whether I've "pounced" on the candidate. But I'm nowhere near Reno, who's probably off somewhere signing in. "Janet's really sensitive to the fact that she's traveling with lots of press," Harburger barks. "Go easy on these guys, if they don't offer, don't ask for anything."

After I cancel my drink order, most of us are shooed from the room. The meeting, it turns out, is another piece

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of shoddy advance work on the part of the campaign. They have showcased a confab with a county commissioner, who says he is "delighted" with the Reno meeting. "She was much warmer than I thought," he says. But not so warm that Commissioner Hartage, who is black, feels compelled to support her over state senator Darryl Jones, who also is black, and who stands no chance of winning.

From there, it's off to a slew of black and Hispanic restaurants, where the press corps once again seems to equal or outnumber patrons. At the Cafeteria Latina, which sits next to a pawn shop and a Santeria bookstore, a Univision reporter asks Reno if the poor attendance at her events is the sign of a weak campaign. "I haven't seen anything but excitement on this truck trip," says Reno.

At the festive Café Madrid, Reno meets unusually enthusiastic supporters. But as a glad-hander, Reno needs work. Without a lapel mike or a bullhorn, she should not be allowed in public, with her whisper of a voice. While her age and gender could certainly work for her—with women and seniors in South Florida—she is more spinster aunt than charming grandmother. While she sometimes breaks out in soulful recitations of the natural glories of Florida (she is an avid hiker and kayaker), she often seems like an animatronic version of an actual person.

Janet Reno

Illustration by Thomas Fluharty

Despite assuring me before I came to Florida that I'd get cab-time with Reno, Harburger has a late-breaking update: "Ix-nay on riding in the truck." Riding with Janet Reno in her two-seater truck is the most coveted campaign treat, though I'm not quite sure why. The few reporters who have been permitted to do this tell me that Reno sometimes goes 10 minutes without saying a word, that one reporter nearly fell asleep, and that once, after an awkward silence, Reno pulled the truck over so the reporter could be deposited back in the press van.

With access so restricted, I am all the more determined to shadow Reno at every campaign stop. One supporter at the restaurant introduces herself to Janet as a "Cuban for Reno," even though "the Cubans might burn me at the stake." Reno is not the most popular figure in Little Havana, where Elián González's bed is still featured at a neighborhood shrine. Reno constantly defends her decision, saying "the boy should be with his daddy." But when she went on Cuban radio last summer to try to defuse the controversy, the host offered her a container of milk, since "from 7 years of age in Cuba, children can't drink milk" (it's rationed).

As I interview this anomalous Cuban booster (whose family fled Batista, not Castro), Harburger watches my every move, finally pulling me over for an infraction. "Matt, you're too tight on the candidate. I'm reading it on her face. Hang back. Find your stride. You're not filing today." After a heated argument, I return to the pack to grouse. Harburger sneaks up behind me. "You're telling them what a witch I am," she snarls. Good guess.

Back in the press van on the way to Daytona, my colleagues inform me of the general disarray of the campaign. They call Harburger and company "the kids"—since many are inexperienced and in their twenties. Neither are they the best detail people (one key aide fell asleep during a campaign conference call). Harburger, who often drives the van, seems to know next to nothing about the campaign's mechanics, frequently relying on reporters for directions to the next stop. And after she draws repeated blanks on everything from the sponsors of fundraisers to the next morning's schedule, the *Orlando Sentinel*'s Mark Silva contemplates buying her a hat with the inscription "Don't Ask Me."

On name alone, Reno can turn out local news cameras in nearly any market. But her campaign stops often devolve into PR debacles: no advance notice, last-minute scheduling, poor attendance. While none of this would generally matter this early in primary season, Reno's opponent, Jeb Bush, is a highly disciplined campaigner, as is her Democratic competitor, McBride, who's been known to make up to 100 fund-raising calls a day. When asked whether Reno makes fund-raising calls on the road, Harburger grows testy: "You guys have a choice; I can barrel down the road at 90 mph, or double task." "She's plugged in," confides one reporter, "the trouble is, the fuse blew two months ago."

Our next stop is the Daytona Speedway, a curious one indeed. If Reno is to make it out of the primary and win the general (she's currently polling

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22 points behind Bush), she'll need to make inroads in the I-4 corridor, the middle ribbon of the state that, unlike the conservative north and liberal south, contains most of Florida's numerous swing voters. The Daytona Speedway, then, seems a well-conceived stop, until you consider that it is mostly visited by out-of-state voters, whose numbers are swollen because, unbeknownst to Reno, she is visiting in the middle of Bike Week.

All around are motorcycle toughs with studded chaps and mean-muchacho mustaches. Their leather'n'fishnet girlfriends look as if their peekaboo cleavages are about to up and run for it. Reno exits her truck, clutching her oversized purse, and is greeted by a tiny knot of Democrats who look like they just left a NARAL meeting. The candidate is even harder to hear than usual. As we catch scattershot phrases like "lower class size" and "mentoring programs," souped-up Harleys all but drown her out. Reno says she has come there to "learn," though unless she needs tips on ass tattoos, it's not entirely clear about what.

We glide through Daytona's museum, where every other exhibit or totem seems to have something to do with Dale Earnhardt. ("Shouldn't we tell them he's dead?" says one reporter. "Shhhh!" cautions another, "you don't joke about Jesus in Nazareth.") After leaving Daytona, on the road to Jacksonville, I note that Reno rarely drives over 55, and never over 60. Her hands are planted in textbook driver's ed positions, and her faraway gaze looks like she's lost—perhaps in thought about Florida.

In Jacksonville that night, we worm our way into a fund-raiser thrown by a local attorney that was supposed to be closed to the media. When we get to the Hidden Hills Country Club, we understand why. Three days from now, Jeb Bush will throw a party fund-raiser, attended by his brother the president, at $25,000 a head. But the Reno fund-raiser has a no-minimum cover charge. People can bring $200, $100, maybe even canned goods.

"We didn't effort this," Harburger says, preparing us for disappointment. "If it's not efforted," Silva says, mocking the campaign-speak, "then it won't be peopled." At the fund-raiser, another campaign aide lets slip that they did start efforting this about a month prior. But even an hour after scheduled start time, it's still not peopled. About 15 show up in all. The hors d'oeuvres waiter makes his third round into the lobby, supplying us reporters. "I'm still on my first tray," he says.

The next day we are off to meet real people at Avenues Mall. It is mid-morning on a weekday, and only the very young, very old, and very unemployed seem to be out. As Reno heads to the food court, she is greeted by happy faces. One of the happiest belongs to Joe Castile, who wears a "Children of the Confederacy" T-shirt and a hat that says "I'm not a hunter. I'm a wildlife population control specialist." I take Castile for a Reno voter, based on his warm reception of her, but find out quickly that he isn't. He thinks Reno is against the Second Amendment, and Joe likes to hunt squirrel, though, he adds, "I only kill for eating." Likewise, for what she did to Elián, Reno "should be throwed in jail." Why then did he greet her so heartily? He explains, "She's the first famous person I ever met."

I move on to a group of tanned college girls, who seem to have taken an unusual interest in Reno. They are from Southeastern School of Neuromuscular and Massage Therapy. And while Reno might mistake them for enthusiastic supporters, they are actually on a class assignment, observing the "dysfunction of the way people walk." Reno, it turns out, has "restrictive movement in her upper body, her knees are locked medially, she has a high left shoulder and no spinal curve," according to their checklists. "Of course," says Angela Benck, "she has Parkinson's." But since they are only cataloguing "gait dysfunction," they don't bother recording that Reno's hands sometimes shake so much that each one looks as if it's trying to clap itself.

Our walk through the mall is a habitrail of humiliation. When Reno lopes past an Elizabeth Arden counter, a make-up specialist insists she take an $88 gift box, allowing one rude reporter (okay, me) to ask what kind of campaign makeover she'd give Reno. "We try to stay very natural . . . this is Florida!" she says. At the Yankee Candle Company, Reno approaches two customers at the checkout counter. Neither the clerk nor the customers even look up. Stalled near the lemon thyme and raspberry sorbet candles, Reno turns and leaves without a word.

Out in the parking lot, a final mall customer approaches her with a camera. After snapping a few shots, he insists Reno slide behind the wheel of her truck, to be more natural. Coaxing Reno out like a discount Scavullo ("Beautiful! Beautiful! That's exactly right!), the photographer, it stands to reason, must at least be a Reno fan. But even he's on the fence. When asked if he'll vote for her, he hedges, "If she has the platform I'm looking for, you bet."

Back on the bus, the media prognosis is not good. "The tour is falling apart," says one reporter. As another types out notes from the mall event, he literally giggles aloud.

Two nights later in Tallahassee, we seem to be in Reno country. At a black church rally sponsored by People for the American Way, it is a time warp of sorts for those of us who visited during the 2000 election. The rally's ostensible purpose is to mark the two-year anniversary of a march protesting Bush's affirmative-action rollback in state university admissions. But the rally degenerates into a Gore-was-robbed vinegar session.

Reno attentively sits in the front row next to a lady in a

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complicated hat. Reno is not speaking, but we dutifully turn out anyway, for what one reporter calls "faint watch." The meeting is not a meeting so much as a left-wing parody of one. Speakers still use expressions like "by goddess" and "Power to the people!" So off-kilter is this bunch that Alec Baldwin, who's on the dais, isn't even the author of the nuttiest comment (he makes an honest try by saying, "The enemies of democracy are doing push-ups while you and I are sleeping").

Instead, the Golden Nut-job trophy goes to the Honorable William Proctor, a Leon County commissioner who, it turns out, isn't very honorable at all (he's been prosecuted for numerous campaign finance violations). Proctor warns his audience to brace themselves for 2000 all over again. The county, he says, under the guise of anti-terrorism precautions, is already preparing to harass black voters by forcing them through checkpoints "with their hands up." But a quick call to the supervisor of elections reveals that, in reality, "there will be no security screening at all."

As Reno leaves the church, I ask her—before the flying squirrel can bodyblock me—if she really thinks standard courthouse security is tantamount to voter intimidation. "I'm not familiar with the issues that he raised, so I don't think I should comment till I know more," she says.

"I have nothing to say about the race," says Alec Baldwin. Asked about Reno, he repeats, "I have nothing to say about the race."

The next day at Florida A&M, the People for the American Way are at it again. Baldwin, after a long-winded speech that threatens to turn this prayer breakfast into a prayer lunch, is back to form. He calls the 2000 election "a disaster I will say to you that in some ways has done as much damage to our country as any terrorist attack." Approaching Baldwin, I ask him to handicap the primary. "I have nothing to say about the race," he says. When I ask what he thinks of Reno, he repeats, "I have nothing to say about the race." Unaccustomed to such circumspection from Hollywood's leading blowhard, I ask if he'd vote for Jeb. He leans in tight, affecting his "I-am-God" voice: "I think I'd rather get hit by a car than vote for Jeb."

Reno stalks out of the ballroom to hop a plane for a fund-raiser at former Clinton ambassador Elizabeth Bagley's Georgetown abode (technically making the 15-day tour a 14-day tour). I ask her what she thought of all the over-the-top election animus. Her face twists up like she just ate a bad prune. After a five-second beat, she says, "I have to go to the ladies' room," then disappears.

If a Democratic diehard like Baldwin seems reluctant to board the Reno bandwagon, he's not alone. While Reno has picked up a few labor and teacher endorsements, the bulk of union and education plugs have already gone to McBride (who is expected also to swing the state AFL-CIO's 122,000 members). In recent polls, McBride trails Reno badly—by as much as 43 points. But state Democrats are pushing him as the only viable competition for Bush, since he has no Reno-like baggage and on paper is a better match-up (McBride was a Marine platoon leader in Vietnam, and headed Florida's largest law firm).

Despite most voters' inability to pick him out of a lineup, McBride has already out-raised Reno by several hundred thousand dollars. This is partly because of Reno's political tone-deafness. "She doesn't kiss anybody's rear," says one Democratic power broker, who says she has not properly courted fund-raisers. Republicans would like nothing better than to face Reno ("I say a little prayer for her everyday," says former Republican chair Tom Slade). They believe her popularity has already crested 20 points behind Bush and she won't have appeal beyond her hard-left base. But Reno, Republicans say, should spank McBride. And while McBride may be gaining traction in labor and education world (a problem for Reno, since education is her flagship issue), he is still MIA in voterland. "If McBride did a truck tour, there'd be nobody there, it'd make her look like a Roman emperor," says one local sage.

If Reno didn't raise another cent, say many, McBride would still need somewhere between $7 million and $10 million just to buy her level of name ID. The McBride camp has a three-pronged strategy: Sweep the north, win the I-4 corridor, and cut into Reno's bedrock support among the condo commandos in the south, where McBride's organization is busily at work.

But even if oddsmakers give McBride little chance, bigger upsets have happened (see Bill Simon vs. Dick Riordan in California). In the event of a McBride surge, Reno better tighten things up: She's a lackluster stumper with a sloppy organization whose truck seems to be getting tailgated by bad juju. Two days after I pulled off the trail, two women were struck by a car while walking to a Reno speaking event in Lake Worth. One is in critical condition, the other died.

As for Reno's own health, two weeks on the road would seem to silence skeptics. There are already rumors of Reno embarking on a second campaign swing in a kayak. First, she says, "I want to perfect my Eskimo roll."

"I think she's inoculated herself on the health issue," says Jim Krog, an influential Democratic lobbyist in Tallahassee. "But who knows? She may faint again." ♦

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The Judge & the *Times*

Charles Pickering was a lot less "outside the mainstream" than his critics in the media.

By Carl M. Cannon

Legal scholars, political commentators, and American elected officials have never reached a consensus on the precise meaning of the Constitution's requirement that presidents appoint cabinet officers and federal judges "by and with the Advice and Consent of the Senate." The very ambiguity of the phrase is a testament to the Framers' genius, for these appointments are essentially political matters to be fought over in the messy context of elective politics.

For that reason the media necessarily play a role in the vetting of presidential appointees. Under the prevailing ethics of the press—that is to say, the presumption that the press is a nonpartisan participant in the political process—the contribution of the media might be expected to boost nominees' confirmation chances as often as it undermines them. That this has not been the case in recent years may be owing to adversarial attitudes prevalent since Vietnam and Watergate. Today's journalists are more comfortable poking holes in public figures' reputations than burnishing them.

But conservatives, noting that three of the last four presidents have been Republicans, suspect that another factor is at play in the contentious appointment process: a pervasive liberal bias in the elite news organizations. The most recent evidence they would cite is George W. Bush's ill-fated attempt to elevate U.S. District Judge Charles W. Pickering Sr. to the appellate bench. The nomination was tabled last week in the Senate Judiciary Committee after Pickering was voted down, 10-9, on a party-line vote.

Pickering himself was circumspect about his political views and judicial philosophy during his confirmation hearings, as all nominees must be in these partisan times. But his conservative outlook, both from the bench and in his private life, was not really in dispute. Nor is there any doubt that this judge possesses the qualifications and judicial temperament that once would have made his elevation a foregone conclusion. Pickering attended law school at the University of Mississippi, graduating with the highest grades in his class, practiced law in Laurel, Miss., for 29 years, where he was both a prosecutor and a local judge, served two terms in the Mississippi state senate, was chairman of the state's Republican party, is a member of the board of directors of the Federal Judges Association, and is a past president of the Mississippi Baptist Convention. His name was put in nomination by both of his home state's senators, Trent Lott and Thad Cochran, and he has been on the federal bench for 12 years, a position that required confirmation by the Senate. He had the recommendation of the American Bar Association, was never associated with a whisper of scandal, and had broken with his state's segregationist past by the mid-1960s, which is to say earlier than some, later than others.

But these are not normal times. Despite Bush's pledge to restore a spirit of cooperation and comity in Washington, the rancor of the 2000 election lingers. So does ill will stemming from the nomination wars of the past 20 years. Those battles have featured not just foot-dragging and intransigence by opposition party senators—Republican and Democrat—but also routine character assassination. Judge Robert Bork's skepticism that *Griswold* v. *Connecticut* confers a sweeping right of privacy is translated by an overheated propaganda machine into "contempt for women." Judge Ronnie White's determination to make extra sure that judges in capital murder cases give every appearance of being neutral makes him "pro-criminal."

In the Pickering nomination fight, a third factor was present as well: Senate Democrats and liberal interest groups believe that Bush's lack of a plurality, let alone a majority, of the popular vote in 2000—and the near-even split in Congress—gives them the right to adopt a more aggressive interpretation of advice and consent. In this view, the narrowness of Bush's mandate ought to translate into judicial appointees more moderate than if he'd won a landslide. Alternatively, if they can't have moderate appointees, the liberals would like a bit of parity: one liberal judicial appointee for every conservative (or perhaps for every two or three conservatives). A demand for parity

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would have been a politically marketable stand, but the Democrats and their liberal allies refrained from adopting it. Instead, they resorted to the rougher tactics that have characterized appointment fights for the past two decades. Charles Pickering, his critics suggested, is a racist.

Perhaps the interest groups and senators should be faulted for such methods. But they are advocates, after all, partisan and ideologically minded by nature. It is, rather, the influential media organizations, which claim to be unbiased, that should be expected to refrain from such zealous excesses. Instead, in the Pickering case they tended to repeat or even amplify them. Here, for example, is the opening sentence of a *Detroit Free Press* editorial: "With his nomination of [Pickering], President George W. Bush is substantiating fears that he would attempt to turn the federal judiciary into a right-wing monster." The editorial that followed, like those in many newspapers, accepted uncritically the claims made by liberal interest groups, often using language identical to that of the groups' press releases. "His career also is characterized," wrote the *Free Press*, "by a relentless hostility toward abortion rights, as well as the rights of habeas corpus and due process." The writer cited no examples.

As Pickering was being thus pilloried on the nation's editorial pages, the *New York Times* took a more balanced approach—in its news columns. In a February 15 story filed from Mississippi (and similar in tone to one that had run in *Legal Times* on February 4), *Times* reporter David Firestone wrote that Mississippi Democrats, white and black, consider Pickering a man of legal talent, high character, and racial sensitivity.

This article might have changed some minds in Washington—except that the *Times*'s own editorial page undercut the story. In an influential lead editorial on February 24, the paper—after conceding that Pickering enjoys "warm relations" with blacks in his hometown and has "no animus toward blacks"—listed the familiar litany of accusations: that the nominee is no fan of the Voting Rights Act, that he is "troubled by well-settled legal principles like 'one-person, one-vote,'" that his reluctance to award attorneys' fees in certain cases reveals a "hostility" to civil rights lawsuits, and so on.

The *Times* editorial then took up the issue of abortion, calling Pickering "also well outside the mainstream on issues of reproductive choice." It then cited the evidence:

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"He was a driving force behind the Republicans' decision to put a plank in their 1976 party platform calling for an anti-abortion amendment to the Constitution."

This is an interesting line of argumentation: A person "well outside the mainstream" on race and abortion is, by inference, an extremist. But such a judgment is not a purely subjective one. There are data on such questions. Is Judge Pickering truly outside the mainstream of American political thought on the most important public policy and social issues of the day? For that matter, should the same question be posed about the *New York Times*?

Judge Pickering's stands on two subjects in particular—abortion and affirmative action—were used to defeat his nomination. These subjects are key to the current national discussion of jurisprudence and civil rights. There are, as it happens, plentiful data about where the American people stand on these issues, and thus where the "mainstream" runs. Let us see.

ABORTION

New York Times: The paper consistently takes the position that *Roe* v. *Wade* was correctly decided, and that attempts to scale it back are detrimental to women's rights. The *Times* opposes requiring parental or spousal notification, has spoken critically of measures such as 24-hour waiting periods, and lauded President Clinton for vetoing a ban on late-term procedures known as "partial-birth" abortions.

Judge Pickering: Although he was careful in his confirmation hearings to say he would obey the High Court's precedents, Pickering is a committed pro-lifer whose record on this issue before he became a judge included opposition to abortion even in cases of rape or incest.

The American people: If the judge and the newspaper are at opposite ends of the spectrum, which is more mainstream? Well, the right-to-life plank the *Times* finds so damning has been a fixture of GOP convention platforms since 1980, embraced by every Republican presidential nominee. In that time—even if you count 2000 as a draw—the Republicans won three presidential elections, lost two, and tied one. Apparently their party was not so far "outside the mainstream" on abortion as to sink its chances with the voters. But there is another way to examine this issue: by looking at the public opinion surveys.

In January, a Fox News poll asked the question: "On the issue of abortion, would you say you are more pro-life or more pro-choice?" The results:

Pro-choice	47 percent
Pro-life	41 percent
Both/mixed	5 percent
Not sure	7 percent

A Gallup poll taken last year showed an even split—46 percent for both positions. And in a poll last month, Gallup posed the question this way: "Do you think abortions should be legal under any circumstances, legal only under certain circumstances, or illegal in all circumstances?" The results:

Always legal	26 percent
Legal only under certain conditions	54 percent
Always illegal	18 percent

ABC, getting to the same issue last summer, asked: "Do you think abortion should be legal in all cases, legal in most cases, illegal in most cases, or illegal in all cases?"

Legal in all cases	22 percent
Legal in most cases	31 percent
Illegal in most cases	23 percent
Illegal in all cases	20 percent

The same poll showed that the reason a woman wants an abortion makes a difference. Asked whether abortion should be legal in the case of pregnancy caused by rape or incest, respondents said:

Legal	83 percent
Illegal	16 percent

But when respondents were asked whether abortions should be permitted "when the woman is not married and does not want the baby?" they said:

Legal	44 percent
Illegal	55 percent

Finally, the *Los Angeles Times* poll in early 2001 asked: "One of George W. Bush's first acts as president was to issue an executive order to block federal government grants to international family planning groups that pay for abortions or provide abortion counseling in third world countries. Do you approve or disapprove of this executive order?" The results:

Approve	45 percent
Disapprove	46 percent

The American public, then, seems as split over abortion as it was over the 2000 presidential election. The largest group of Americans stand with neither the newspaper nor the judge: A clear plurality do not want *Roe* repealed, but favor attempts by states to curtail abortions with various restrictions. The polls offer no grounds for calling Judge Pickering out of touch with the American people on abortion, though he is doubtless out of step with liberal readers of the *New York Times*.

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AFFIRMATIVE ACTION

New York Times: Echoing the claims of Pickering's critics, the newspaper accused the judge of being insufficiently supportive of civil rights. The *Times* didn't use the phrase "affirmative action" in its editorial, but many liberal groups did so in their press releases and testimony opposing Pickering's nomination. These critics inferred an opposition to affirmative action on the judge's part from his record in a couple of redistricting cases under the Voting Rights Act and in several lawsuits that alleged racial discrimination in hiring or business relations.

The *New York Times*, like almost every big city daily, champions affirmative action editorially. Six years ago, the *Times* fiercely criticized the Supreme Court for its decisions in a congressional redistricting case and of minority "set-aside" programs in government procurement. "The repudiation of affirmative action, with its premise that African-Americans no longer need the law's protection, was a historic insult to blacks reminiscent of the 1896 *Plessy* v. *Ferguson* decision," the paper wrote. More recently, the *Times* asserted that requiring colleges and universities to use racially neutral admissions policies "would be a monumental error both as a matter of law and as social policy."

Judge Pickering: Pickering was excoriated by the civil rights lobby not for his handling of any cases dealing directly with racial preferences, but for two decisions involving minority employment. In the first, two brothers who owned a retail grocery store were cut off by a supplier. The brothers, who are black, sued, alleging a civil rights violation. In the second case, a Hattiesburg, Miss., fireman who is African American alleged discrimination after he was terminated. In each case, Pickering granted the defendant's motion for summary judgment; and in each case he expressed the view that not every reverse in life is due to discrimination. "The fact that a black employee is terminated does not automatically indicate discrimination," the judge said bluntly.

To the civil rights community, this demonstrated "hostility" to claims of racial disparity in the workplace. While his critics never mention the evidence in the two cases—the brothers were late in their payments and under criminal indictment when their credit was revoked; the fireman was chronically tardy for work—an underlying skepticism about the wisdom of selecting certain groups as protected classes of litigants does come through in Pickering's language from the bench.

The American people: Affirmative action has been defined in a lot of ways, and it is widespread in practice, however confusing the Supreme Court's pronouncements. The phrase itself has intrinsic appeal. When asked about it without amplification, Americans split about evenly. But when pollsters start defining it, support declines precipitously. The underlying principle—that some level of racial preference must be granted in order to remedy historical inequities—is not popular with the American people.

Thus, when Gallup asks respondents whether we should increase, keep the same, or decrease affirmative action programs in this country, 27 percent say increase, 30 percent say decrease, and 34 percent say keep them as they are. But when pollsters delve deeper, the support ebbs.

"Do you support or oppose government and private programs that give women, blacks, and other minorities preference over white men getting into college, getting a job, or getting a promotion?" That question was asked in an ABC News poll last November. The results were:

SUPPORT	28 PERCENT
OPPOSE	69 PERCENT

Last year, the *Washington Post*, in conjunction with Harvard University and the Kaiser Foundation, ran a poll exploring racial preferences. It found solid support for outreach and recruitment programs designed to attract minorities to college or employment opportunities, but very little for granting race-based preferences once the pool of applicants has been established.

One question was phrased this way: "In order to give minorities more opportunity, do you believe race or ethnicity should be a factor when deciding who is hired, promoted, or admitted to college, or that hiring, promotions, and college admissions should be based strictly on merit and qualifications other than race or ethnicity?" The answer was unambiguous:

RACE SHOULD BE A FACTOR	5 PERCENT
RACE SHOULD NOT BE A FACTOR	92 PERCENT

The lopsided pattern was not very different for black respondents:

RACE SHOULD BE A FACTOR	12 PERCENT
RACE SHOULD NOT BE A FACTOR	86 PERCENT

On the issue of districting—where the *Times* and the liberal interest groups said Pickering was at his most reactionary—the public is as conservative as the judge, maybe more so. Asked in the *Post*-Harvard-Kaiser poll whether race should play a role in the drawing of congressional districts, the American people, by 86 percent to 11 percent, said no way.

Thus, by the lights of the *New York Times*, not only is Charles Pickering outside the "mainstream" on important legal questions pertaining to race—so are the American people. All of which brings to mind the aside by Mandy Patinkin in *The Princess Bride*. "You keep using that word," he says slyly. "I do not think it means what you think it means." ♦

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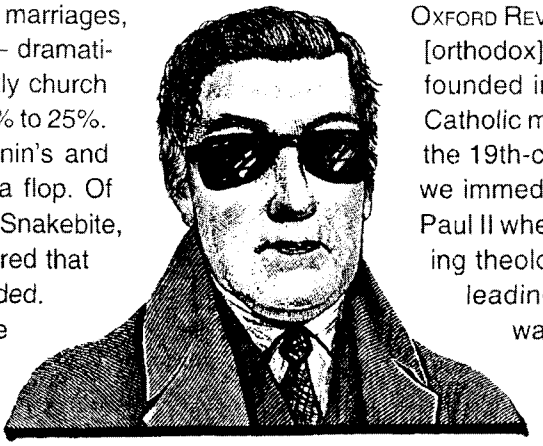
Join the C.I.A.*

Since the 1960s, much of Catholicism has veered off in a revolutionary direction — its Marxism deriving as much from Groucho as from Karl — and in America the results are in: Two out of three Catholics don't believe in the Real Presence of Christ in the Eucharist. The number of priests, brothers, sisters, Catholic schools, seminaries, baptisms, marriages, and conversions has declined — dramatically in certain cases. And weekly church attendance has dropped from 70% to 25%. The Catholic revolution, like Lenin's and Castro's revolutions, has been a flop. Of course Father Flapdoodle, Sister Snakebite, and Bishop Bubbles haven't figured that out — they think the 60s never ended. Still trying to be cool cats, they're *so cool* they're frozen in a time warp.



But mercifully, God's frozen people are thawing out. Where's the fire and intelligence in the Church today? Among traditional Catholics! The dioceses that have no vocations shortage, the religious orders that are growing, and the seminaries that are packed are predominantly the traditional ones. And traditional Catholics have been founding *new* colleges and seminaries. Polls show that the Catholics most committed to the Church are traditional Catholics. Seminarians and younger priests are much more traditional than middle-aged and older priests. The only novel idea in Catholic education is home-schooling, spearheaded by traditional Catholics. The only massive grassroots movement in the Church is the prolife movement, led by traditional Catholics. The only significant Catholic presence on TV is the ardently traditional EWTN. The only significant Catholic voice on radio is that of traditional Catholics.

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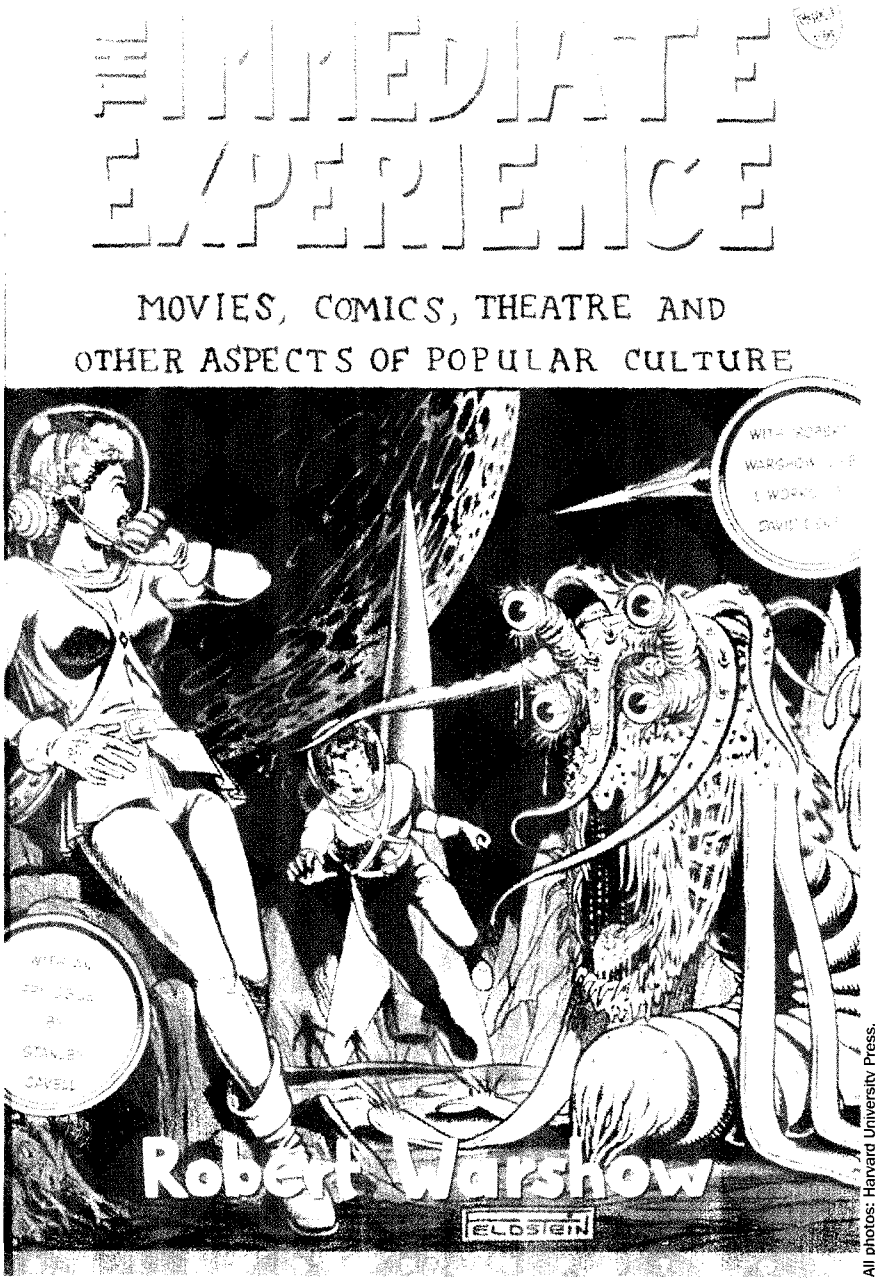
The Experience of America

Robert Warshow, the man who did pop culture right

By Terry Teachout



All photos: Harvard University Press.

Among my prized possessions is a battered copy of Robert Warshow's *The Immediate Experience: Movies, Comics, Theatre and Other Aspects of Popular Culture*, an obscure collection of critical essays published in 1962 to no special acclaim. I doubt it sold more than a couple of hundred copies, and I know it didn't go over big in Kansas City, because mine is a discarded library copy, and the faded date-due stamps on the first page indicate that between 1962 and 1979, the year I acquired it, *The Immediate Experience* was checked out just fifteen times, the last in 1972.

That *The Immediate Experience* was published at all is the unlikeliest of stories, for Warshow, though greatly admired by his colleagues, was anything but famous. A New York Jew and second-generation socialist, he made his living as an editor for *Commentary* and a writer for *Commentary*, the *Nation*, and *Partisan Review*, mostly about film. His essays did not go entirely unnoticed beyond the tiny circle of readers of those legendary little magazines, and in 1955, he was invited to write for the *New Yorker*. He died the next day of a heart attack, aged thirty-seven.

Terry Teachout, the music critic of Commentary, *is the author of* The Skeptic: A Life of H.L. Mencken, *forthcoming in November from HarperCollins.*

Seven years later, Warshow's friends assembled nineteen of his essays, virtually the whole of his slender output, and Doubleday published the resulting book with an introduction by Lionel Trilling; five years after that, Norman Podhoretz wrote vividly about Warshow in *Making It*, his memoir of life among the New York literati. But lasting critical reputations are rarely based on a single volume of essays, however brilliant, and Warshow's star soon faded to near-black. For a long time, the only people likely to know his name were aging neoconservatives and abnormally well-read film buffs. Not that such folk are mutually exclusive, but they are rarely seen at the same cocktail parties, and it is a decided oddity that the man whom Podhoretz could call "one of the best essayists in the English language" would also figure prominently in the pages of Roger Ebert's *Book of Film* (an anthology whose other contributors include Rex Reed, Mario Puzo, and John Waters).

The Immediate Experience
Movies, Comics, Theatre and Other Aspects of Popular Culture
by Robert Warshow
Harvard University Press, 302 pp., $18.95

Ebert's collection was until recently the only volume in print containing any of Warshow's essays, and while that one, "The Gangster as Tragic Hero," ranked among Warshow's best,

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it conveyed only a limited sense of what the man was about. But now there has appeared an expanded edition of *The Immediate Experience*, containing the complete text of the original book together with eight previously uncollected pieces and a pair of newly commissioned essays by David Denby, the film critic of the *New Yorker*, and Stanley Cavell, a philosopher who also writes about film. I can think of no essay collection of the past half-century more richly deserving of republication—and none more likely to be misunderstood.

To the extent that Warshow is remembered today, it is for what he wrote about the movies. Two of his pieces, "The Gangster as Tragic Hero" and "The Westerner," continue to be cited in the scholarly literature on film, with good reason. ("The Westerner," for instance, is mentioned in *The Oxford History of World Cinema*, although the passage in question is both misquoted and wrongly attributed to "The Gangster as Tragic Hero." In addition, Warshow's name is misspelled.) Warshow was one of the first American intellectuals to pay sustained attention to those over-familiar genres, and what he had to say about them has not yet lost its ability to command our attention:

> The gangster is lonely and melancholy, and can give the impression of a profound worldly wisdom. He appeals most to adolescents with their impatience and their feeling of being outsiders, but more generally he appeals to that side of all of us which refuses to believe in the "normal" possibilities of happiness and achievement; the gangster is the "no" to that great American "yes" which is stamped so big over our official culture and yet has so little to do with the way we really feel about our lives. . . . The Western hero, by contrast, is a figure of repose. He resembles the gangster in being lonely and to some degree melancholy. But his melancholy comes from the "simple" recognition that life is unavoidably serious, not from the disproportions of his own temperament. And his loneliness is organic, not imposed on him by his situation but belonging to him intimately and testifying to his completeness.

The power of "The Westerner" arises from the way in which Warshow uses his experience as a moviegoer to illuminate a two-sided aspect of the American national character—the untragic optimism to which we are so deeply committed as a people, even when experience causes us to question it as individuals. Simply written yet full of implication, "The Westerner" is a masterly example of the critic's art, as fresh today as it was a half-century ago. But what the modern reader may not realize is just how unusual it was a half-century ago. Nowadays, we take it for granted that the movies of John Wayne and Randolph Scott have something interesting, even important, to tell us about ourselves and our country; indeed, to dissent from that orthodoxy is to court excommunication from certain circles of academe. In 1954, few critics were prepared to take lowbrow movies seriously, and fewer still wrote about them with Warshow's rigorous, laconic clarity.

Warshow's love of genre films stands in stark contrast to the falseness of those who approved only of art that served their political ends.

Eleven of the nineteen essays included in the original edition of *The Immediate Experience*, and one of the newly collected pieces, are about film, and it seems fairly clear from the choice of Denby and Cavell to introduce it that Harvard University Press regards the book primarily as a contribution to the literature of film studies. But as the subtitle of his book—"Movies, Comics, Theatre and Other Aspects of Popular Culture"—indicates, Warshow was interested in a wider range of topics, though most of them, from the "sick" humor of *Mad* magazine to the middlebrow dramaturgy of Arthur Miller, fit more or less neatly into the pigeonhole of what we now refer to as "pop culture."

David Denby describes Warshow as "one of the inventors" of the genre of pop-culture criticism. In fact, it was more or less singlehandedly invented by George Orwell, the writer to whom Warshow can most usefully be compared (as Lionel Trilling did in his introduction to *The Immediate Experience*). Orwell's pithy essays about such plebeian topics as boys' school stories and pornographic postcards taught Warshow's generation how popular culture could be used as a prism through which to view and interpret modern life. From Orwell, too, they learned to write straightforwardly and personally, with a scrupulous, even self-conscious honesty made necessary by their increasingly troubled relation to an intellectual class enthralled by communism, a political movement built on lies.

Warshow, like Orwell, was a left-wing anti-Communist, an affiliation which is (if possible) even less fashionable today than in the 1930s and early 1940s, although for a different reason. Back then, a great many American artists and intellectuals were unabashedly in love with Joseph Stalin and happily blacklisted those who dared to disagree. Today, one is hard pressed to find a leftist prepared so much as to acknowledge Stalin's existence, much less hint at the damning fact that his ardent admirers once played a hugely influential role in the shaping of American popular culture.

Certainly the anonymous author of the flap copy for the new edition of *The Immediate Experience* is unwilling to admit any such thing, saying only that, according to Warshow, "a 'disastrous vulgarization of intellectual life' [had] corrupted American liberalism from the 1930s to the 1950s." Conspicuously missing from this careful filleting of Warshow's thought is the word "Stalinism," an omission that would have enraged the man who wrote bluntly and fearlessly of the corrosive effects of "the mass culture of Stalinist liberalism" on American intellectual life: "In

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the 1930s radicalism entered upon an age of organized mass disingenuousness, when every act and every idea had behind it some 'larger consideration' which destroyed its honesty and its meaning. Everyone became a *professional* politician, acting within a framework of 'realism' that tended to make political activity an end in itself. The half-truth was elevated to the position of a principle, and in the end the half-truth, in itself, became more desirable than the whole truth."

Merely to praise Warshow as a great film critic is to ignore the extent to which all his criticism was concerned with the long-term effects on American culture of the loose coalition of 1930s liberals, Stalinist fellow travelers, and full-fledged Communists known as the Popular Front.

Among the many undertakings of this unholy alliance was the manufacture of watered-down pop-culture artifacts intended to teach educated Americans the necessity of Soviet-style "anti-Fascism," which sympathetic critics duly praised as high art. (Hard as it is to imagine today, there was a time when second-rate propaganda-pushers such as Lillian Hellman and John Steinbeck were widely regarded as major writers.) The insidious and inevitable result of such activity, Warshow argued, was to corrupt art as well as liberalism: "The whole level of thought and discussion, the level of culture itself, had been lowered. . . . *The Grapes of Wrath* was a great novel. Eventually, *Confessions of a Nazi Spy* was a serious movie and 'Ballad for Americans' was an inspired song. The mass culture of the educated classes—the culture of the 'middle-brow,' as it has sometimes been called—had come into existence."

It was out of this insight that Warshow drew his finest essay, "The 'Idealism' of Julius and Ethel Rosenberg," originally published in *Commentary* in 1953, in which he turned his unsparing gaze on the letters exchanged in prison by the martyrs of the postwar left as they awaited execution for having passed atomic secrets to the Soviet Union. For Warshow, the Rosenbergs were the ultimate embodiment of the Popular Front, a robot couple incapable of harboring any unpolitical opinions whatsoever, even about baseball: "It's that indomitable spirit that has endeared [the Brooklyn Dodgers] to so many. But it is chiefly in their outstanding contribution to the eradication of racial prejudice that they have covered themselves with glory." In such crude fatuities, Warshow heard the death knell of American liberalism:

Robert Warshow

> Whether he cheers the Yankees or the Dodgers, whether he damns Franklin Roosevelt as a warmonger or adores him as the champion of human rights, the Communist is always celebrating the same thing: the great empty Idea which has taken on the outlines of his personality. Communists are still "idealists"—perhaps all the more so because their "idealism" is by now almost entirely without content—and the surprising degree of sympathy and even respect that they can command among liberals is partly to be explained by the liberal belief that "idealism" in itself is a virtue.

Small wonder it took so long for *The Immediate Experience* to be reprinted. Fifty years after its original publication, the cold-eyed honesty of "The 'Idealism' of Julius and Ethel Rosenberg" is still capable of making liberals squirm. Judith Shulevitz, writing in the *New York Times Book Review* not long ago, called it "amazingly nasty." But David Denby, for all his evident discomfort with Warshow's directness, is at least prepared to admit that at a time when many liberals "remained sympathetic to the Communist 'experiment' and were infuriatingly slow to comprehend that they were supporting the cause of murder," Warshow was dead right about the pernicious effects of Stalinism on American culture: "The horror of American Stalinism, he says again and again, is that it prevents its adherents from having any kind of direct and honest relationship to experiences. . . . The culture that resulted from this effort—a spreading rot of liberal middle-brow kitsch—was also prevented by will and by habit from knowing that it was lying."

Stanley Cavell's epilogue to *The Immediate Experience*, as befits a professional philosopher, is more than a little bit turgid, but it starts off with a sentence with which I could not agree more: "Robert Warshow's *The Immediate Experience* is one of those books whose discovery, early or late, can create so specific a feeling of personal gratitude for its existence that it is almost a surprise to learn that others know how good it is." I know just what he means. Back when I was still trying to decide what kind of writer I wanted to be, Warshow's plain speaking and sense of proporton hit me right between the eyes. He showed how it was possible to appreciate, say, the movies of Howard Hawks—even to love them—without jumping to the conclusion that the director of *The Big Sleep* and *To Have and Have Not* was just as good as Shakespeare:

> I have had enough serious interest in the products of the "higher" arts to be very sharply aware that the impulse which leads me to a Humphrey Bogart movie has little in common with the impulse which leads me to the novels of Henry James or the poetry of T.S. Eliot. That there is a connection between the two impulses I do not doubt, but the connection is not adequately summed up in the statement that the Bogart movie and

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> the Eliot poem are both forms of art. To define that connection seems to me one of the tasks of film criticism, and the definition must be first of all a personal one. A man watches a movie, and the critic must acknowledge that he is that man.

Warshow's unfaked faithfulness to the immediate experience of the unpretentious genre films he loved stands in stark contrast to the falseness of the Popular Front liberals who, like the Rosenbergs, approved only of art that served their political ends—an attitude that has since metamorphosed into what we now call political correctness. His essays show how the Stalinist habit of mind not only survived its evil inventor but has become part of the very essence of postmodern thought. To have read *The Immediate Experience* as a young man was to know ever after, in the fullest possible sense, what it means to say—and to believe—that the personal is political. I have made plenty of mistakes in my life, but not that one: Robert Warshow inoculated me against it, forever. ♦

Jane Addams's Values

The haunting of Hull House.

BY PETER BERKOWITZ

Jean Bethke Elshtain, the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, intends her sympathetic intellectual biography of Jane Addams and her companion anthology of Addams's writings to contribute not only to an appreciation of Addams, but also to the current public debate about the meaning of democracy in America. Indeed, in the preface to her biography, Elshtain contends the intellectual and political stakes are particularly high: "Concerns about America's civic health, voiced in recent public and scholarly debates, have brought to the fore the urgent need for a revaluation of the status of democracy in the United States."

Jane Addams and the Dream of American Democracy
by Jean Bethke Elshtain
Basic, 336 pp., $28

The Jane Addams Reader
edited by Jean Bethke Elshtain
Basic, 432 pp., $20

We are thus at "a propitious moment," according to Elshtain, at which to reconsider Jane Addams, who was born just before the Civil War in 1860, lived to see the New Deal before her death in 1935, and at the turn of the century founded Chicago's famous Hull House. Addams, in Elshtain's reading, provides a model of the importance of balancing and blending competing goods—family commitments and social commitments, discipline and compassion, community engagement and intellectual inquiry—essential to realizing the dream of American democracy. What Elshtain's well-balanced account also reveals is that achieving and maintaining the right balance and blend is a daunting and endless task.

In fact, the last fifteen years or so have witnessed striking efforts by public intellectuals and politicians from both parties to balance and blend goods whose irreconcilability had long been taken for granted. In the 1980s the Democratic Leadership Council (led by Bill Clinton and Al Gore, among others) concluded that the Democrats had mistakenly ceded to Republicans care for a variety of critical goods—including personal responsibility, the family, religious worship, civic participation—essential to the public interest. Then, in the late 1990s, George W. Bush introduced himself to the nation as a new kind of conservative, a compassionate conservative. Bush affirmed familiar conservative themes—lower taxes, freer markets, tougher educational standards, and stronger defense—while stressing that a proper concern for limited government was consistent with government support of private efforts to address the needs of those whose poverty, or illness, or age made it impossible for them to care for themselves.

Was all this good for democracy or bad? On one interpretation, the balancing and blending embodied in, say, the welfare reform bill that President Clinton signed into law in 1996, President Bush's faith-based initiative, and the rise of the school choice movement exhibit a high-minded determination to craft public policy that reflects the competing claims of genuine goods. On another interpretation, these undertakings betray a cynical scheme, common to both parties, to co-opt the nation's growing numbers of independent voters.

This is the background against which Elshtain takes up Jane Addams. By showing that high-minded political attempts to give competing goods their due are possible and can advance the cause of democracy, Elshtain aims to equip us to resist cynical dismissals. And by dramatizing the professional and personal demands imposed by such high-mindedness, how in politics it can lead one to lose one's balance, she cautions against romanticizing idealism.

Addams's reputation has lost much luster since the height of her acclaim, in 1910, which saw the publication of her masterpiece, *Twenty Years at Hull House*. When she died twenty-five years later, Addams was, Elshtain reports, "America's best-known and most widely hailed female public figure." Yet her fervent pacifism and vocal internationalism in response to

Peter Berkowitz, a research fellow at the Hoover Institution and a contributing editor at the New Republic, *teaches at George Mason University School of Law. He is the author of* Virtue and the Making of Modern Liberalism.

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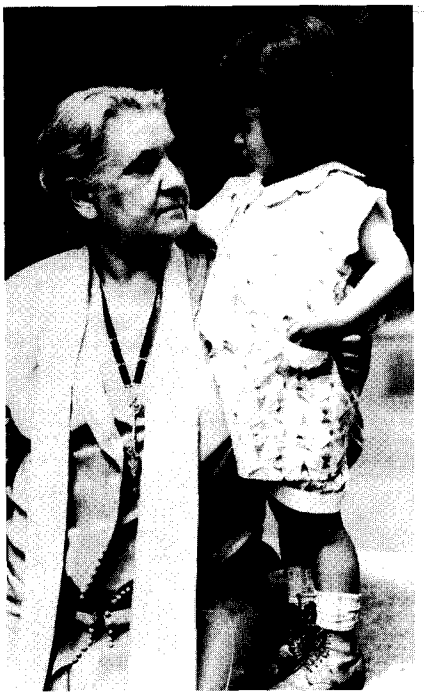

Both photos: Bettmann / CORBIS.

Left: Jane Addams in 1930. Right: Girls working looms in Hull House, c. 1937.

World War I had earned her intense and persistent public opprobrium, and her reputation has never entirely recovered.

Much of the criticism, Elshtain shows, is vulgar and baseless. While still alive, she was denounced as a Communist sympathizer whose selfless work on behalf of the poor served as a guise under which she sought to promulgate radical anti-American ideas. No better are the contemporary academic critics who condescendingly condemn her as a cultural imperialist out to "civilize the masses" and indignantly disparage her as an elitist determined to stamp out the diversity that immigrants brought to this country and impose on them a homogenized American identity.

Even our attempts to praise her end up doing her a disservice. To recall her as a suffragette and social worker disparages her pioneer accomplishment in the settlement-house movement—a democratic reform effort that provided an alternative to both government relief and private charity. It also obscures her standing as a leading public intellectual whose voluminous writings include a dozen books and more than five hundred articles and speeches. (Several recent studies also seek, with scant evidence, to sexualize her relations with her close female friends at Hull House.)

Jane Addams grew up in the small northern Illinois town of Cedarville, the daughter of a politically active and successful businessman whom she revered and a mother who died when Jane was young. As a child, Jane Addams was intense, self-disciplined, and preoccupied with moral questions. She read literature voraciously. She went on to graduate from Rockford Female Seminary at twenty-one. She followed her schooling with two grand tours of Europe, the first trip lasting for more than two years. In 1889, at age twenty-nine, she opened Hull House.

At the time of its founding, there was nothing quite like it. The same can be said today. It represented an extraordinary merging of the democratic ethos, Christian universalism, the maternal impulse, and the pragmatic, tough-minded, can-do spirit. Its dominant purpose was to address the needs of the poor Italian, Greek, Bohemian, and Eastern European immigrants, particularly children, who lived in and around the west side of Chicago. It provided a wide range of facilities and activities: a playground and gymnasium and all sorts of sports, literary and political discussions, a nursery, a public kitchen, and instruction in dance, theater, art, and music. It was part club, part community center, part home away from home, and part residence. It was, in the words of an elderly woman interviewed by Elshtain who grew up in and around Hull House, "a way of life." Addams lived there and worked indefatigably for forty-five years.

"All of Hull House's activities," Elshtain observes, "pointed toward one goal: the building up of a social culture of democracy." This was a culture that saw a deep connection between the family and society, insisting on society's responsibility to promote conditions in which parents could rear their children free of grinding poverty, pervasive crime, and deadly pollution. It emphasized the need for individuals—men and women—to conceive of themselves as citizens, seeking to instill in them a sense of solidarity with fellow citizens. It encouraged citizens to get involved in politics, while seeing moral and artistic and physical education as prerequisites for the politically engaged life. And it demanded that cities give civic form to the yearning for a common life by establishing schools, building public parks, and sponsoring public festivals of all sorts.

The balance and blending of competing goods that in many ways she achieved at Hull House eluded Addams when she turned her attention to international affairs. As early as 1907, in her book *Newer Ideals of Peace*,

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she envisaged a progressive democratization of the international community that would make war obsolete. From 1914 on, she concentrated her labors on the advocacy of pacifism and internationalism—an advocacy that grew out of her genuine concern for the victims of war but which was so doctrinaire and one-sided that it allowed no place for a distinction between national defense and aggressive militarism. As Elshtain puts it:

> By minimizing the ways in which the operation of power at all levels of government helps create and secure the contexts Addams celebrated—the multinational city in which everyone is a candidate for civic membership—she evaded the distinction between a great city within a nation-state, on the one hand, and the individual sovereign state in its relation to an international arena that lacks an overarching authority. If every state is analogized to Chicago and its internal context, an analogy Addams often made, then what political body plays the role of the U.S. government or its equivalent?

Having laid bare a crucial flaw in Addams's thinking, Elshtain hastens to find a partial corrective in Addams's practice, noting that the last twenty years of her life were particularly devoted to bringing about the international law and organization that her terribly lofty humanitarian ideals presupposed.

It was not only in the international arena, Elshtain delicately but resolutely reveals, that Addams failed to harmoniously blend competing goods. Addams was without doubt an extraordinary individual, but she disparaged the virtues of individuality in favor of those of democratic solidarity. Much of her work at Hull House involved the maternal impulse directed beyond the confines of the family, but Hull House's success depended in part on her remaining husbandless and childless. She was a proponent of "Christian Humanitarianism" who believed that Jesus was a seminal teacher of the social and political egalitarianism she championed, but she sought rather uncritically to detach what she took to be Christian ethical teaching from Christian faith.

Elshtain can be faulted for an excess of generosity, as, for example, when she declares that "Addams herself had a gift for speaking *to* the right, the left, and the center without speaking *for* any camp in the narrowly consistent way so cherished by ideologues." But, finally, it is not in the great achievements or in the stunning lapses that Elshtain finds the true Jane Addams. It is, rather, in their complicated enmeshing over the course of a long, immensely fruitful, practically and intellectually engaged life.

And this larger lesson—that in democratic politics there is always a balance to be struck and striking it well presents a perennial challenge—comes into focus precisely because of the salutary sensibility that Jean Bethke Elshtain is able to bring to her subject. ♦

Does Race Still Matter?

Glenn Loury still thinks so.

BY ELIZABETH ARENS

As a young professor at Harvard, Glenn Loury, the African-American economist, was an articulate exponent of the view that the persistence of racial inequality could no longer be blamed on white racism, that blacks could succeed within the American system, and that responsibility for their fate lay with blacks, individually and communally, themselves.

The Anatomy of Racial Inequality
by Glenn C. Loury
Harvard University Press, 160 pp., $22.95

Loury was embraced by the conservative movement; *Commentary* and the *Public Interest* published his articles, the American Enterprise Institute named him a fellow, and other think tanks and advocacy groups sought him out for lectures. But when Loury was nominated for a post in the Reagan administration, his troubled personal life emerged into public view. The pressures of holding such a prominent position at such a young age, the worry that he had gained this position more on account of race than merit, and the hostility he endured from other black intellectuals had taken their toll. A young mistress charged Loury with assault; soon after, he was arrested for cocaine and marijuana possession during one of his increasingly frequent trips to the inner city for drugs and sex.

Loury sought help in religion, and was soon baptized as a born-again Christian. He joined a black congregation, returning thereby into a black community like that of his Chicago youth. His political affiliations began to evolve as well. Sensing a hypocrisy in his earlier demands for moral rectitude from people in difficult circumstances, Loury says he also discovered an indifference on the part of conservatives to the plight of those same people. His conservative allies, Loury claims, seemed less interested in the state of the urban ghettos than in using him as a cover against charges of racism. In his 1995 book, *One by One from the Inside Out*, Loury chastised conservatives for a lack of "moral urgency." But he continued to criticize the civil rights establishment for its debilitating rhetoric of victimization and to emphasize black self-help and moral renewal.

Since then, Loury has criticized the California Civil Rights Initiative's "color blind absolutism" and more recently initiated a public rapprochement with Jesse Jackson, Cornel West,

Elizabeth Arens is managing editor of the Public Interest.

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Charles Ogletree, and other leftist black figures. In his new book, *The Anatomy of Racial Inequality*, a look into "how 'race' operates so as to perpetuate inter-group status disparities," Loury, now director of the Institute on Race and Social Division at Boston University, systematically modifies or even repudiates much of what he's written over the past two decades.

Loury demonstrates in *Anatomy* that he is now prepared to blame racism for the problems that beset American blacks, though he finds "racism" too imprecise, preferring "stereotype" and "stigma." And he insists that responsibility for eliminating racial inequalities lies with the entire nation, rather than the black community.

In the first sections of the book, Loury seeks an explanation for the enduring social and economic disparities between whites and blacks. Acknowledging the decline in overt racial animosity and formal "discrimination in contract," Loury seeks answers in the idea of "self-confirming stereotypes." On the one hand, he argues, the division of the human population into several races lacks a basis in genetics. On the other hand, race is most definitely a social fact, as races have become closely identified with certain traits. Loury argues that these identifications have persisted because of self-confirming stereotypes: "Observers, acting on a generalization, set in motion a sequence of events that have the effect of reinforcing their initial judgment."

To make his case, Loury considers interactions between employers and young black trainees. Employers who believe blacks to be lazy and careless will view mistakes by a black trainee as confirmation. Hence, "Employers will, therefore, be less willing to extend the benefit of the doubt to blacks during the training period." Black trainees will perceive this and, "knowing they are more likely to be fired if they make a few mistakes . . . may find that exerting a high effort during the training period is, on net, a losing proposition for them."

This is plausible, but the same logic becomes strained in a subsequent example. University officials wanting diversity in their student bodies, Loury reasons, lower admissions standards for black applications. Black students, knowing they face a relaxed standard, study less. This gives us two varying scenarios—one, a higher bar for blacks to hurdle, and two, a lower bar—that in Loury's mind yield the same result, inferior black performance. This is suspect.

Loury then turns to what he considers an even more important concept—racial stigma. While stereotype involves mere "social information," Loury explains, stigma relates to "social meaning." Stigma "is not merely the drawing of a negative surmise about someone's productive attributes. It entails doubting the person's worthiness and consigning him or her to a social netherworld." At its worst, stigma means "being skeptical about whether the person can be assumed to have a common humanity with the observer." Loury traces stigma back to the "racial dishonor" of slavery. As evidence of the "social otherness" of blacks, Loury offers the segregation of blacks in urban ghettos, the very low rate at which white parents adopt black children, and political writings that reveal an unwitting "us and them" mentality.

Loury is insistent that we do something about black inequality, but he has little to propose about what to do.

Yet Loury's concept of stigma remains vague. What does it mean, as Loury says, that stigma depends not on "individual attitudes" but on "social meanings"? Does Loury, the former critic of "white liberal guilt," really believe whites do not think blacks are human? Loury's reimmersion in academic scholarship and concepts and language of sociology does not seem to have worked to his benefit here.

Having promised much, furthermore, Loury does little with the idea of stigma. One effect he does attribute to racial stigma is an absence of concern over the problems of black communities. Such ills as lower test scores and extremely high rates of incarceration, Loury believes, are seen by most Americans as reasonable and in accordance with their expectations. This is unfair.

Does Loury not recall the decades of commissions, reports, "conversations," and policy innovations ranging from busing and compulsory desegregation, to community governance, to minority set-asides, to enterprise zones, up through welfare reform, school choice, and "faith-based initiatives"? And though these last approaches involve a scaling-back of governmental responsibility, this retrenchment followed the conclusion that many of the earlier efforts were not only unhelpful, but may have caused serious harm to blacks. This is a conclusion that the earlier writings of Glenn Loury, among others, helped us to reach.

From here, Loury's discussion moves in a more promising direction, one that harks back to his early work on social capital. Loury argues that discrimination or "reward bias" is no longer the principal obstacle to black advancement. The incidence of discrimination has dramatically declined. Yet it can also be perceived that ending discrimination in market transactions will not lead automatically to economic parity. Loury believes that the more useful analytic category is "developmental bias"—"racial differences in the acquisition of productive skills necessary for success in America."

All this is undoubtedly true, but the notion of "development" should be broadened to include not just productive skills but also attitudes, ambitions, and habits of mind and behavior. The

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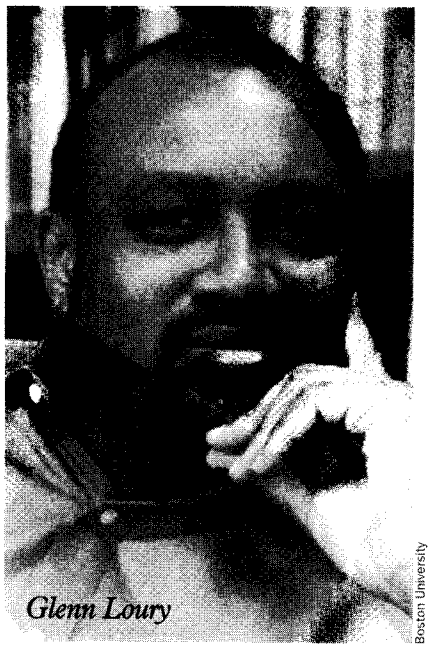
problem facing ghetto inhabitants is not only a deficit of specific skills, such as the "digital divide" in computer literacy the Clintons liked to emphasize, but an absence of qualities such as discipline, willingness to defer gratification, and a desire to succeed within the American system.

Then to decipher the enduring distress of black Americans, we must take account of the deeply unhealthy social circumstances of the inner cities. What could be more relevant to "developmental" inequality than the broken families into which so many black children are born, with parents absent or badly ill-equipped to play the parental role? For many children in the inner cities grow up neglected, unloved, and undisciplined. They have few role models in their communities, and academic achievement is devalued among their peers. The predominant cultural product is a musical style that celebrates promiscuity and violence. Finding a job and working hard for low pay is seen as selling out to the white man.

Loury dismisses the "culture argument" by repeatedly equating it with racial essentialism, but they are not the same, as any cursory reading of James Q. Wilson's work on adolescent criminal behavior, or Charles Murray's on the pernicious effects of welfare (leaving aside his writings on IQ), reveals. Loury is familiar with these writings, but in *Anatomy* he declines to address their arguments. Thus while he argues persuasively that we have learned that formal equality in the marketplace will not automatically result in the elimination of racial disparities, he misses the mechanism by which these disparities are reproduced. Far more powerful than his "vicious cycle" of "self-confirming stereotypes," or some diffuse "stigma," is the destructive legacy of broken families and malign cultural influences, passed from generation to generation.

So what is do be done, and who is to do it? Loury insists that all Americans have a moral obligation to eliminate the misery of the black ghettos and strive for racial equality. He is convincing on this point. Given our country's


Glenn Loury

Boston University

history, an absolute standard of color blindness—a total indifference to the question of how poverty, crime, and other ills are distributed across racial groups—is inappropriate.

Conservatives are guilty of some level of hypocrisy, or at least inconsistency, on this question. They call for an end to racial consciousness, yet insist that blacks "must solve their own problems." But what does it mean to say "blacks must do it themselves?" Individually? That seems a rather tough demand. But if through communal effort, why should blacks feel a special responsibility to aid each other, if racial loyalties are to be abandoned?

Loury, in his conservative days, had managed this tension well. He was never an advocate of color blindness along the lines of Shelby Steele, but his self-help ethos did not shade into black nationalism. He called for blacks, particularly those in the middle class, to help other members of their race, but to do so as a step into the greater American community, whose national creed he embraced.

Now Loury insists that self-help is insufficient, and that we must take up the instruments of public policy, though he offers no suggestions on what policy changes should be made, aside from extending affirmative action and reforming our punitive drug policy. But perhaps we should look again at Loury's older writings. In his 1985 essay from the *Public Interest*, "The Moral Quandary of the Black Community," Loury called for blacks to take special responsibility for their fellows not because blacks were morally at fault for their distressed condition, but because only they had the power to ameliorate that condition, by changing the values, social norms, and internal resources of their communities. Certain public policies might assist this work, but they could never be the main force. Because of our country's history of racism, no white man or woman "can talk about what other blacks 'should' do, think, value and expect to be sympathetically heard." Only black leaders, local and national, could effectively deliver the necessary messages of self-improvement.

But most civil rights figures have failed at this task, reflexively blaming white racism for any and every problem in the black community. Mounting black crime rates were met with charges of police brutality, poor academic performance with accusations of biased tests and underfunded schools, and family instability with claims of job discrimination. The effect of this discourse was not only to preclude genuine investigation of the conditions in black communities and constructive efforts to improve them, but also systematically to discourage achievement.

It is sad to think that with his most recent book, Loury may be reinforcing this dynamic. He is clearly angry with conservatives for their triumphalism regarding liberal error and their apparent complacency while poor blacks continue to suffer. Angry too at white America for its desire, forty years after the civil rights movement, to "move on." He is insistent that we *do something* about black inequality, but he has little to propose about what to do. A man of Loury's intellect deserves our patience, but the vague ideas and broad accusations in this book, as well as his neglect of conservative work on race, seriously undermine his claim to be a guide on matters of race and public policy in America today. ♦

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"But unlike our war against al Qaeda, there is a series of agreements in place that will lead to peace. And therefore we're going to work hard to see if we can't, as they say, get into Tenet, and eventually Mitchell."

—President Bush, at his March 13 press conference distinguishing between American efforts to combat terror and Israeli efforts

Parody

For Immediate Release
Office of the Press Secretary
March 21, 2002

Presidential Press Conference
The James S. Brady Briefing Room

Q: Mr. President, how would you advise Israelis to respond to the latest round of suicide bombings?

A: I would hope they wouldn't do anything that might be, frankly, not helpful. We've reiterated that we see Tenet as an avenue that will lead us to Mitchell, and that if we can get into Mitchell that will create the CBMs that will eventually serve as an entrance ramp back onto Oslo. So that's where I stand.

Q: Mr. President, during your State of the Union Address you specifically listed Hamas and Islamic Jihad as terrorist organizations. Now that Israel is trying to disrupt those terror organizations' suicide bombing operations, you say their efforts are not helpful. Could you explain?

A: You see there's a process. What I said was that Hamas, Hezbollah, and Islamic Jihad are three members of what I called the Axis of Tenet. There are agreements. Tenet agreements. Mitchell agreements, procedural agreements and agreements on procedures. I go back to what Kofi Annan said on this because I want to be clear. Clarity is key. And as Annan said, the Tenet process will accelerate the Annan protocols which will climax with the Resolution 242 outcroppings leading to the Taba spring rolls. I think I said this in my September 20 speech, that we look at this as a global lockbox, or rather an axis of lockboxes, and the lockbox cannot be compromised by destabilizing modalities that are, frankly, not helpful.

Q: So to be clear. You said early in the war on terror that all nations would have to choose sides, to fight against terror or side with terror.

A: Except where there are agreements in place. Where there are agreements in place, obviously, nations don't have to choose sides because the agreements preempt the side-taking. They can take sides against the modalities of the agreements, the procedures at the table, but as long as they are proceeding with the confidence-building measures entailed in Mitchell and previewed by Tenet as a road toward Oslo...

Q: Confidence-building measures?

A: Yes. Say Arafat sends a suicide bomber to blow up a pizzeria on Monday, and then a disco on Tuesday, but then on Wednesday he doesn't send anybody. That's a confidence-building measure! It gets you toward Tenet, and Tenet gets you toward Mitchell. And the hip bone is connected to the thigh bone, and the thigh bone is connected to the knee bone, which leads you back into Tenet and Mitchell. Is that clear?

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Have New York City Children Been Saved?

Eric A. Hanushek is the Paul and Jean Hanna Senior Fellow at the Hoover Institution and a member of the Koret Task Force on K–12 Education.

In spring 2001, a Manhattan judge declared the New York State's school finance system unconstitutional and directed the state to remedy the problems. New York City schools, operating at a cost of more than $10,000 per student, spend more than the average school in forty-plus states, even allowing for the higher costs in New York City. But the judge ruled this spending inadequate to provide a sound basic education.

The situation in New York City embodies the policy dilemma confronting courts and legislatures across the country. What is required legally and morally? And, **if the schools are not currently up to standards, how can the courts or legislatures remedy the situation?**

The court recognized that NYC children were not performing at a high level. They drop out in high numbers; they trail much of the state completing the requirements for the premier Regents Diploma; and they tend to have lower rates of college attendance. The court made a legal judgment (currently under appeal) that these outcomes fall below what the state constitution requires.

But what *can* be done? The plaintiffs linked the student outcomes directly to inadequate resources, and the judge concurred that providing more resources to the system was the obvious way to fix the situation. Everybody assiduously avoided any consideration of more fundamental change.

The taxpayers of New York City may see the wisdom of having taxpayers from other parts of the state pay more for NYC schools. And the teachers and other personnel in NYC schools may directly benefit from more money being pumped into the system. But past history suggests that **the performance of students of NYC schools is unlikely to improve from simple infusions of resources.**

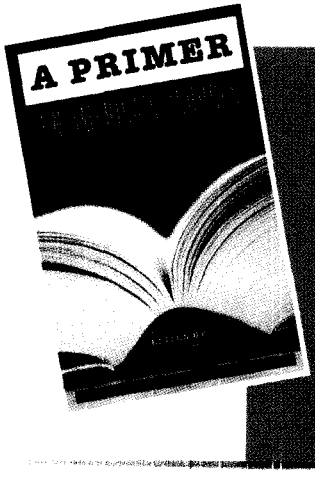
One need only look at the results in Kansas City. A school desegregation ruling in the 1980s began a period of more than a decade when the schools had access to virtually unlimited state funds. The dreams of school personnel did not translate into any measurable gains in student performance, even as their schools moved to the very top of national spending.

It is not that resources never affect achievement. It is simply that the current incentives operating in public schools do little to promote higher achievement. Without more fundamental changes to make improved student achievement the centerpiece of rewards and punishments, little should be expected from judgments such as that in New York City. If the current lower court ruling is upheld and if the New York State legislature moves to pump more money into the existing New York City schools, only one thing is certain: the schools will cost more. Nothing provides much confidence that there will be any improvements in what motivated the case and the ruling: the low performance of NYC students.

If, on the other hand, the schools moved to rewarding teachers that produce large gains in learning or parents were given more choice in the schools their students attend, we might see improvements. And we might be able to build a relationship between increased funding and improved results.

— Eric A. Hanushek

Paid for by the Hoover Institution, Stanford University.



Want to learn more about K–12 education policy?

Visit us on-line at* www.hoover.org *or contact us to receive a complimentary copy of* A Primer on America's Schools*—11 chapters by Hoover's Koret Task Force on K–12 Education.

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